

CHAPTER 20
TRADES AND OCCUPATIONS

- 20.01 Amusement Devices
- 20.02 Bowling Alleys and Pool Rooms
- 20.03 Junk Dealers
- 20.04 Transient Merchants
- 20.045 Ice Cream Vendors
- 20.05 Carnivals, Menageries, Side Shows, etc. Prohibited - Circuses to be Licensed
- 20.055 Suspend Prohibition Against Carnivals and Amusement Rides
- 20.06 Closing Hours of Public Amusement Places
- 20.07 Auctions and Auctioneers
- 20.08 Transient Photographers to be Licensed
- 20.09 Tag Days for Veterans' Organizations
- 20.10 Sale of Christmas Trees Licensed
- 20.101 Amusement Arcades
- 20.11 Regulation of Cable Communication Systems - **REPEALED 06/18/96, 1644**
- 20.12 Registry of Massage Therapists and Bodyworkers Required
- 20.13 Secondhand Dealer and Secondhand Jewelry Dealer License Program

20.01 AMUSEMENT DEVICES. Rep. & Recr. 10/15/85, 1310

(1) **DEFINITIONS.** The following terms as used in this section and in Section 20.101 shall be construed as follows:

(A) Amusement Device means any mechanically or electrically operated device or game used or operated as a game for public entertainment purposes;

(B) Operator means the person, firm or corporation having control of the premises upon which any amusement device is located;

(C) Supplier shall mean any person, firm or corporation owning an amusement device set up for public use or operation in the City of South Milwaukee upon the premises of another. Any person, firm or corporation owning and operating an amusement device set up in his or its place of business shall not be deemed a supplier within the meaning of this section.

(2) **LICENSE REQUIRED.** It is hereby declared unlawful for any supplier to lease, install or place an amusement device on any premises in the City of South Milwaukee without first having obtained an Amusement Device Operator License as hereinafter provided. It is also declared unlawful for any person, firm or corporation in the City of South Milwaukee to have in his or its possession and set up for public use any amusement device which has not been registered with the City Clerk and the registration fee paid as hereinafter provided.

(3) APPLICATION FOR AMUSEMENT DEVICE OPERATOR LICENSE. Any person, firm or corporation or partnership being a supplier, as herein defined, shall make application in writing to the Common Council for a license on such form of application as shall be prescribed by the City Clerk. The license fee shall be as established by resolution of the Common Council and shall be paid to the City Treasurer at the time of filing the application for a license. Licenses shall be granted by the Common Council only to persons of good moral character and to applicants having an established office in the State of Wisconsin where business records and new amusement devices may be inspected before and after registration. The applicants, in the applications, shall consent to reasonable inspection of their records and devices to determine ownership and character of the amusement device to be operated and registered. The license period shall commence on July 1st of each year and terminate on June 30th of the following year. Licenses shall not be transferable. Rep. & Recr. 04/21/98, 1705

(4) REGISTRATION OF AMUSEMENT DEVICES.

(A) Every supplier of amusement devices and every person, firm or corporation owning an amusement device located or to be located on any premises open to the public in the City of South Milwaukee shall obtain an Amusement Device Tag from the City Clerk for each such amusement device on or before July 1st of each year. Each Amusement Device Tag issued under this section shall bear a number and shall be registered in the records of the City Clerk by such number and by the name of the owner or supplier and by the location of the premises where the device is or is to be installed and such information as the City Clerk may require.

(B) An Amusement Device Tag may be transferred from the originally involved device to any replacement device installed upon the registered location. The fee for each Amusement Device Tag shall be as established by resolution of the Common Council. Each tag shall be displayed upon the premises in a prominent place allowing easy inspection by any person. The Building Inspector or any police officer of the City may seize or cause to be seized any gambling device or slot machine or any amusement device upon the premises which is not the subject of an Amusement Device Tag prominently displayed on the premises or any amusement device which is situated upon any premises in violation of the Municipal Code. Rep. & Recr. 04/21/98, 1705

(5) USE OF MACHINES BY INTOXICATED PERSON. The operator of any amusement device shall not permit an intoxicated person to play or use such amusement device.

(6) PROHIBITED PRACTICES. It shall be unlawful for any person to counterfeit a registration symbol. Rep. & Recr. 02/19/85, 1288

(7) Any person who violates any provision of this section shall, upon conviction, pay a fine of not more than \$500.00 and the cost of prosecution for each offense, and in default of payment of such fine, shall be confined in the House of Correction for a period of time not to exceed 60 days.

20.02 BOWLING ALLEYS AND POOL ROOMS.

(1) LICENSE REQUIRED. No person shall erect or keep or permit to be erected or kept upon his premises within the City of South Milwaukee any bowling alley, billiard table, pigeonhole or pool table used or kept for hire, without having first obtained a license therefore as hereinafter provided.

(2) APPLICATION FOR LICENSE. Every applicant for a license hereunder shall file a written application therefore with the City Clerk. It shall be the duty of the City Clerk to submit said application to the Common Council, and upon approval by the Common Council of the application, to issue the license.

(3) DEPOSIT. Each applicant, before filing his application with the City Clerk, shall deposit the fee required for such license with the City Treasurer, who shall issue a deposit receipt therefore. When the license is granted by the Common Council, the City Treasurer shall apply such deposit in payment of the fee for the license applied for and granted. Deposits of all applications denied by the Common Council shall be refunded by the City Treasurer upon surrender of the deposit receipt certified by the City Clerk.

(4) FEES AND TERM OF LICENSES. The fee for such licenses shall be as follows: For keepers of bowling alleys, the sum of \$10.00 per annum for each and every alley set up to be used; for keepers of billiard tables, pigeonhole or pool tables, the sum of \$2.50 for each and every table set up to be used. All licenses issued under this section shall be issued for one year commencing on the first day of July and expiring on the 30th day of June next succeeding the issuance thereof.

(5) Any person who violates any provision of this section shall, upon conviction, pay a fine of not less than \$5.00 nor more than \$200.00 and the cost of prosecution of each offense, and in default of payment of such fine, shall be confined in the House of Correction for a period not to exceed 60 days.

20.03 JUNK DEALERS.

(1) No person shall collect or receive, whether by purchase, gift, or otherwise, any junk, whether metal or otherwise, or any old clothes, shoes, rags, papers, or other goods usually collected by what is known as junk dealers or rag pickers, with the City of South Milwaukee, without being first duly licensed as in this section provided. Am. 01/15/85, 1285

(2) No person shall keep a junk shop, junk yard or store for the receiving or storing of any scrap metals, glass, papers, clothes or rags without first obtaining a license from the Common Council pursuant to the provisions of this section. Rep. & Recr. 01/15/85, 1285

(A) Any license issued to a junk store, junk yard or junk shop shall specifically describe the types of junk material which will be stored on, received at, transferred at or processed through the premises, and no material other than that specifically described shall be allowed on the premises for any purpose. In no event shall any junk dealer, junk yard operator, junk store owner or junk shop owner or operator allow the accumulation of, receipt of, transfer of, or processing of any refuse, garbage, animal matter, animal product, or toxic substance at any junk yard, junk shop or junk store in the City of South Milwaukee. Cr. 01/15/85, 1285

(B) No license for any junk yard shall be issued to any premises located within the City of South Milwaukee unless such junk yard is screened from public view and enclosed in a manner to prevent the trespass of minor children upon the premises. Cr. 01/15/85, 1285

(C) No premises for which a junk yard license has been issued shall allow the material accumulated on such premises to achieve the height above the screening required by Section 20.03(2)(B). Cr. 01/15/85, 1285

(3) Every applicant for a license hereunder shall file a written application therefore with the City Clerk. Each application shall particularly describe the type of junk which will be received, stored, transferred and/or processed by the applicant dealer, yard, store or shop, owner or operator. It shall be the duty of the City Clerk to submit said application to the Common Council and, upon approval by the Common Council of the application, to issue the license. Am. 01/15/85, 1285

(4) Each applicant, before filing his application with the City Clerk, shall deposit the fee required for such license with the Treasurer, who shall issue a deposit receipt therefore. When the license is granted by the Common Council, the City Treasurer shall apply such deposit in payment of applications denied by the Common Council shall be refunded by the City Treasurer upon surrender of the deposit receipt certified by the City Clerk.

(5) (A) Licenses issued under this section shall be signed by the City Clerk and shall be sealed with the corporate seal of the City of South Milwaukee. No license issued hereunder shall be assignable or transferable.

(B) Any license issued under this chapter may be conditioned upon such conditions as the Common Council deems appropriate. Any conditions placed upon a premises shall be made after due consideration of the history of the license holder, the placement of the license premise, the surrounding neighborhood and land and uses abutting and surrounding the proposed premises.
Cr. 01/15/85, 1285

(6) The annual license fee for a license issued pursuant to Subsection (1) and (2) hereof shall be as established by the Common Council in its annual Administrative Fee Schedule. All licenses issued under this section shall be issued for one year commencing on the first day of July and expiring on the 30th day of June next succeeding the issuance thereof.

Amended 1/17/12, 2039

(7) Police officers of this City shall have the right and are by this section empowered to examine at any time or place any vehicle in which junk or other goods described in Subsection (1) hereof are being conveyed, or any junk shop, junk yard or store used for the receiving or storing of any such goods, and are likewise empowered to regulate the manner of collecting, conveying, storing and handling in general, or any and all such goods by persons engaged in the business or businesses described in Subsections (1) and (2) hereof; and no dealer or person shall interfere with or resist any officers in the performance of their duties under this section.

Upon the sworn complaint of any police officer, Building, Fire or Sanitary Inspector that any junk dealer, yard, store or shop is dealing in, receiving, transferring, processing or storing any refuse, garbage, animal matter, animal product or any toxic substance upon any premises located as a junk shop, junk yard, or junk store, the Chairman of the Licenses and Permits Committee may, pending a hearing on the complaint order the premises closed and the license suspended. In the event an order is issued under the above provision, closing any junk yard, junk store or junk shop, the hearing on the complaint shall be conducted by the Licenses and Permits Committee within 15 days of the date of the complaint. Following upon any hearing pursuant to this section, the Licenses and Permits Committee may make such order as it deems appropriate including revocation of any license issued under this section, suspension of any license, suspension upon condition or other order that the committee may deem appropriate. The license holder shall be given notice of the complaint and hearing at least seven days before the date of the hearing. The order to close any junk shop or junk yard shall be served by the Police Department upon any person in charge of the premises at the time the police seek to execute the order, or if no one is present, then by attaching the order in some conspicuous place and mailing by first class mail a copy of the order to the license holder at the address given by the license holder upon his application. Am. 01/15/85, 1285

(8) Any person who violates any provision of this section shall, upon conviction, pay a fine of not less than \$1.00 nor more than \$200.00 and the cost of prosecution for each offense, and in default of payment of such fine, shall be confined in the House of Correction for a period not to exceed 60 days.

20.04 TRANSIENT MERCHANTS. Rep. & Recr. 01/21/97, 1659

(1) License Required. It shall be unlawful for any transient merchant to engage in sales within the City without being registered for that purpose as provided herein.

(2) Definitions. In this ordinance:

(a) "Transient merchant" means any person who engages in the retail sale of merchandise or services at a temporary location or by door-to-door solicitation. Transient merchant includes charitable organizations soliciting contributions or membership whenever any fee or exchange of money for anything is a part of the solicitation. For purposes of this section, "person" means corporation, partnership, association, organization, individual, principal, agent or employee, alone or collectively as the case may be, with liability for compliance with the terms of this ordinance being joint and several and imputed between any agent or employee and his or her principal or employer, though any exemption specified under subsection (3) below must be met in its terms by each individual or organization claiming same, regardless of their acting in concert

(b) "Merchandise" shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer. For purposes of this section, sale or merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received.

(c) "Services" means any activity offered for sale or sold to a prospective customer. The sale of services includes donations required by the Seller from a donor or prospective customer in order to receive the offered services.

(d) "Charitable organization" shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.

(e) "Clerk" shall mean the City Clerk.

(3) EXEMPTIONS. The following shall be exempt from all provisions of this ordinance:

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

(b) Any person selling merchandise at wholesale to dealers in such merchandise;

(c) Any person selling agricultural products which the person has grown or livestock or fowl which the person has raised;

(d) Any person who has an established place of business where the merchandise or services 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 said person;

(e) 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;

(f) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization provided that there is submitted to the clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise or services and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this ordinance.

(g) Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.

(h) Any ex-soldier of the United States holding a license under Sec. 40.51, Wis. Stats., who shall, while engaged in the business as such merchant or peddler, carry the special license and proof required for the issuance of such special license under such section.

(i) Trick or treaters on approved days for Halloween.

(j) Notwithstanding anything to the contrary set forth in this subsection (3), those persons specified as exempt from the terms of this ordinance under (3)(c), (f) and (h) and who intend to engage in door-to-door sales of merchandise or services, and any person not otherwise subject to the terms of this ordinance intending to engage in door-to-door solicitation of money or anything of monetary value, shall nonetheless be required in advance of such activity to provide to the clerk some reasonable form of identification and either copies of the individual photo identification card issued by the charitable organization to its solicitors or two identical passport sized photographs of such person (if the individual or organization prefers, the clerk shall take photographs of the individuals doing the solicitation) and to obtain, without fee, and display on their person either the photo identification card issued by the charitable organization or a city issued merchant's identification tag required under subsection (7) below, at all times while engaged in such door-to-door sales or solicitation. This subsection (j) does not apply to resident minor children conducting door-to-door sales or solicitations on behalf of a charitable organization, including, but not limited to the Boy Scouts of America, Girl Scouts of America, public and private schools and youth athletic leagues and associations. Rep. & Recr. 8/2/05, 1889

(k) Merchants operating at the City of South Milwaukee Farmer's Market. Cr. 6/16/09, 1990

(4) Registration.

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

- (1) name, date of birth, permanent address and 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 transient merchant represents or is employed by, or whose merchandise or services are being sold;
- (4) temporary address and telephone number from which business will be conducted, if any;
- (5) nature of business to be conducted and a brief description of the merchandise, and any services offered;
- (6) proposed methods of delivery of merchandise or services, if applicable;
- (7) make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
- (8) most recent cities, villages, towns, not to exceed three, where applicant conducted his/her business;
- (9) place where applicant can be contacted for at least seven days after leaving this City;

(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 five years, and the nature of the offense and the place of conviction.

(11) all places of residence for the applicant for the previous 2 years;

(12) all applications shall be signed and sworn to by the applicant.

(13) all minors shall also provide a copy of their work permit.

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

(1) in the case of door-to-door sales, a driver's license or some other proof of identity as may be reasonably required and two identical passport sized photographs of the applicant;

(2) 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 to be valid and in effect and to state that applicant is apparently free from any contagious or infectious disease.

(c) At the time the registration is returned, a registration license fee as set forth in this ordinance shall be paid to the clerk to cover the cost of processing said registration.

(d) The applicant shall sign a statement appointing the clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

(5) Investigation.

(a) Upon receipt of each application, the clerk may refer it immediately to the City Police Department and such other City departments whose duties are relevant to the application in the discretion of the clerk, which departments may make and complete an investigation of the statements made in such registration.

(b) The clerk shall refuse to register the application 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 most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five 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 (4)(b) above.

(6) Appeal. Any person refused or denied registration may appeal the denial through the appeal procedure provided under the provisions of Secs. 68.07 through 68.16, Wis. Stats.

(7) Registration License. Upon filing the application properly filled out and in a proper case, a certificate as provided by this section, the clerk shall issue a license. All licenses shall be numbered in the order in which they are issued and shall state clearly the kind of goods, services or solicitation to be sold, disposed of or contracted for, the dates of issuance and expiration of licenses, the fee paid and the name of the licensee. The license year shall commence on January 1 and end on the following December 31. No license shall be granted to a person under 18 and no applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least 6 months shall have elapsed since the last previous rejection or revocation, unless the applicant can show the reason for such rejection or revocation no longer exists. Every licensee, while exercising his license, shall post his license in a conspicuous place and shall exhibit the same upon demand of any officer, customer prospective customer or prospective vendor. In addition, every licensee and each person specified in subsection (3)(j) above, shall display and wear on their outer garment in the upper left chest area, a merchant's identification tag at all times while such licensee or person is selling or soliciting door-to-door. Such merchant's identification tag shall include one of the photographs provided by the licensee or person and shall specify the person's name, license or exemption number, date of expiration and shall otherwise be in a readily identifiable size, color and format as prescribed by the clerk. The clerk shall maintain the other photograph provided by the licensee or person on file. A license shall not be assignable and any holder of a license who permits it to be used by any other person shall be guilty of a violation of this section. Whenever a license shall be lost or destroyed, a duplicate may be issued by the Clerk upon filing an affidavit setting forth the circumstances of the loss, what, if any, search has been made for its recovery, and upon the payment of a fee as stated in this ordinance. Am. 06/17/97, 1673

(8) License Fee. The license fee shall be paid to the City Treasurer upon making the application for a transient merchant's license and shall be in the amount established by resolution of the Common Council. In the case of door-to-door transient merchants, separate licenses and license fees are required for a principal transient merchant and each person acting as an employee or agent of such principal. A transient merchant license issued under this section shall entitle the licensee to sell as authorized in this section.

(9) Return of Expired Licenses and Mutilation of License. On the expiration of the license, the licensee shall return and surrender the license to the City Clerk. No person shall alter or change any license issued under the provisions of this section.

(10) Regulation of Transient Merchants.

(a) Prohibited Practices.

(1) No transient merchant or charitable organization soliciting door-to-door may solicit, sell or call

(aa) at any dwelling before 9:00 A.M. and after 9:00 P.M.; Rep. & Rec. 04/02/97, 1666

(bb) 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

(cc) remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise or services offered for sale, the purpose of such merchant's visit, such merchant's identity or the identity of the organization such merchant represents.
- (3) A charitable organization soliciting door-to-door shall specifically disclose what portion of the sale price of the merchandise or services being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise or services.
- (4) No transient merchant 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.
- (5) No transient merchant 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 one-hundred foot radius of the source.
- (6) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which such merchant is conducting business and any food stuffs offered for sale shall be kept well covered and protected from dirt, dust, insects and rodents.

(b) Disclosure Requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose such merchant's name, the name of the company or organization such merchant is affiliated with, if any, and the identity of merchandise or services such merchant offers to sell.
- (2) If any sale of merchandise or services is made by a transient merchant, or any offer for the later delivery of merchandise or services is taken by the seller, the buyer shall have the right to cancel said 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 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Secs. 423.203(1) (a) (b) and (c), (2) and (3), Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, such merchant 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.

(11) Records. The chief of police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.

(12) Revocation of Registration.

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

(b) Written notice of the hearing shall be served personally or pursuant to (4)(c) above 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 acts upon which the hearing will be based.

(13) Penalty. Any person adjudged in violation of any provision of this ordinance shall be subject to a forfeiture of not less than the amount which would have been charged for the appropriate permit plus \$200.00 and not more than \$1000.00. Each solicitation of a resident constitutes a separate offense punishable by a separate forfeiture action.

(14) The transient merchant license fee shall be established by the Common Council by resolution.

20.045 ICE CREAM VENDORS.

(1) No person shall go from place to place within the City of South Milwaukee selling ice cream, ice cream products, soft drinks or related products at retail without first having obtained a license therefore as hereinafter provided.

(2) Any person desiring to engage in business as aforesaid shall obtain a license application form and file the completed application, together with the proper fee, with the City Clerk who shall then issue the proper license.

(3) The license fee shall be \$50.00 if the licensee shall conduct his business on foot or use a cart or wagon not propelled by any mechanical bicycle, which is mechanically propelled. All licenses issued hereunder shall automatically expire on January 1st following the date of issuance of such licenses.

(4) A license issued hereunder shall entitle the licensee, and no other, to go from place to place within the City selling the products mentioned in subsection (1) hereof, and said license must be in the possession of the licensee at all times while he is so engaged. However, any licensee who holds a valid license which permits the use of a mechanically propelled vehicle as hereinbefore provided, may employ not more than five persons under the age of 18 years, residents of the City of South Milwaukee who shall work under and subject to the direction of the licensee, in the licensee's business, provided that a license is first obtained for each such person from the City Clerk, at a fee of \$1.00 per year, and provided further that such person may not use any mechanically propelled vehicle. The principal licensee shall be responsible for the acts of such persons licenses under him, including any violations of this or any ordinance of the City of South Milwaukee.

(5) This ordinance and the license herein required shall be subject to the provisions of Section 129.02(2), Wisconsin Statutes, 1955, as the same relate to disabled ex-soldiers of the United States.

(6) Any person who violates any provision of this section shall, upon conviction, be subject to the same penalties which are provided for violations of Section 20.04 of the South Milwaukee Code. Cr. 06/20/57, 475

20.05 CARNIVALS, MENAGERIES, SIDE SHOWS, ETC. PROHIBITED - CIRCUSES TO BE LICENSED.

(1) No person, persons, organization, firm or corporation shall exhibit, operate or conduct in the City of South Milwaukee, any carnival, caravan, menagerie, side show, exhibition of wild or trained animals, or any object of curiosity or entertainment such as a ferris wheel, merry-go-round or other mechanical amusement device of a similar nature to which admission is gained by the payment of money.

(2) The terms of this section shall not be deemed to apply to any permanent theater establishment, amateur theatrical or show given in public or private halls, or to any bona fide circus licensed under subsection 3 hereof.

(3) Any bona fide circus may show in the City of South Milwaukee for a period not to exceed one day, upon obtaining a license therefore, paying a license fee of \$25.00, and submitting a bond as hereafter provided.

(4) Application for a license under this section shall be made by filing a written application therefore with the City Clerk. It shall be the duty of the City Clerk to submit said application to the Common Council, and upon approval of the Common Council, to issue the license.

(5) Each applicant, before filing his application with the City Clerk, shall deposit the license fee of \$25.00 with the City Treasurer, who shall issue a deposit receipt therefore, and shall execute and deliver to the City Treasurer his bond to the City of South Milwaukee to be approved by such Treasurer in the penal sum of \$500.00 conditioned for the conduct of said circus in an orderly and lawful manner. When the license is granted by the Common Council, the City Treasurer shall apply such deposit in payment of the fee for the license applied for and granted. The deposit on all applications denied by the Common Council shall be refunded by the City Treasurer upon surrender of the deposit receipt certified to by the City Clerk.

(6) Any person who violates any provision of this section shall, upon conviction, pay a fine of not less than \$1.00 nor more than \$200.00 and the cost of prosecution for each offense, and in default of payment of such fine, shall be confined in the House of Correction for a period not to exceed 30 days.

20.055 SUSPEND THE PROHIBITION AGAINST CARNIVALS AND AMUSEMENT RIDES. The prohibition in Section 20.05 against carnivals shall not apply to fairs or festivals sponsored by resident organizations on property owned by said resident organizations. Cr. 08/01/89, 1437

20.06 CLOSING HOURS FOR PUBLIC AMUSEMENT PLACES.

(1) All theaters, billiard and pool rooms, dance halls and dance floor facilities, ice cream parlors and other public places of recreation and amusement in the City of South Milwaukee shall close on or before the hour of 1:00 AM of each and every day and shall not reopen before the hour of 5:00 AM.

(2) Bowling alleys shall close on or before the hour of 2:00 AM on weekdays and 3:30 AM on Sundays and shall not reopen before the hour of 6:00 AM on weekdays and 10:00 AM on Sundays.

20.07 AUCTIONS AND AUCTIONEERS.

(1) AUCTIONEER TO BE LICENSED. No person shall within this City exercise the business of an auctioneer by selling any goods, wares or merchandise at public auction unless such person shall have obtained a license therefore and complied with the provisions of this section, but this shall not apply to any officer making sale of any property by virtue of the order of any court, or in the collection of taxes, or to any executor or administrator when selling by virtue of his office, or to any mortgagee of chattels selling property under such mortgage or to any sale conducted pursuant to Section 6.21 hereof.

(2) OWNER TO SECURE PERMIT FOR AUCTION SALE. Hereafter, excepting sales made under authority of law, it shall be unlawful in the City of South Milwaukee for any person, firm or corporation, either for himself, itself, or for another, or for any firm or corporation, to sell or offer for sale at public auction any stock or stocks of merchandise, in whole or in part, without first obtaining from the City Clerk a permit in writing so to do. The fee for such permit shall be \$10.00 for each day or part thereof that the auction is to be conducted. In lieu of a daily permit as herein provided, the Common Council may, upon written application, issue an annual permit to conduct auction sales at a fee of \$25.00. Such permit shall be issued for the license year beginning on July 1st and expiring on June 30th of the succeeding year. Am. 10/16/62, 712

20.08 TRANSIENT PHOTOGRAPHERS TO BE LICENSED.

(1) LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the business of a transient or itinerant photographer, canvasser or solicitor of photographs or pictures or enlargements of same, taken, photographed or otherwise made, prepared or enlarged, and sold or delivered, or for the transaction of any business in connection therewith, within the City of South Milwaukee, without first having obtained a license to do so, as hereinafter provided, and otherwise complying with the provisions of this section, provided, however, nothing contained in this section shall apply to any person, firm or corporation actually engaged in interstate commerce, in a bona fide manner, and not for the purpose of evading the provisions of this section.

(2) **DEFINITION OF TERMS.** The terms "transient" and "itinerant" shall be deemed to mean and include all persons both principals and agents who engage in conduct within this City, either in one locality, or traveling from house to house and place to place, a temporary or transient business, with the intention of continuing in such business in any one place for a period of not more than 90 days. The terms "canvasser" and "solicitor" shall be deemed to mean and to include any person who goes from house to house or from place to place in the City of South Milwaukee, selling or taking orders for, or offering to sell or take orders for, photographs, pictures or enlargement thereof, for future delivery, or soliciting such business by coupons or otherwise.

(3) **LICENSE APPLICATION PROCEDURE.** Any person desiring to engage in the business of a transient, itinerant photographer, canvasser, or solicitor of photographs, other pictures or enlargements thereof as hereinbefore mentioned and defined within the said City, shall make application in writing to the City Clerk for the license to do so, which application shall be filed with the said Clerk at least seven days before such applicant shall be authorized to begin said business. Such application shall state the name and residence of the applicant, the place where such business is to be conducted, the kind and type of photographs or enlargements for which orders are to be taken, and the length of time for which the license is desired.

(4) **BOND REQUIREMENTS.** No such license as set forth in subsection (3) shall be issued until there is deposited with the City Clerk a bond in the penal sum of \$1,000.00 executed by a surety company or two responsible free holders residing in the City of South Milwaukee, which said bond shall first be approved by the Clerk, or in lieu thereof, a cash bond of equal amount enlargements taken, or for which orders are taken, shall be as represented by him, and that he will refund any money or purchase price paid on said work, which is not as represented, and so as to indemnify and reimburse any person dealing with him, in a sum equal to at least the amount of any payment or payment such purchaser may have been induced to make through misrepresentation as to the kind and character of photographs or enlarging misrepresentation as to the kind and character of photographs or enlarging work. Any person so misled or aggrieved by the representations of any licensee hereunder shall have the right of action on the bond for the recovery of the amount of his or her payment or payments or damages suffered or both. In the event a cash bond is deposited, the same shall be retained by said Clerk for a period of 120 days after the expiration of any such license.

(5) **LICENSE FEES.** On and after seven days from the filing of such application, and upon the filing of a bond and the approval thereof by the City Clerk, a license shall be issued by said Clerk to such applicant upon the payment of the following license fees: \$5.00 for each day less than one week; \$25.00 for one week; \$100.00 for one month. All such license fees shall be paid in advance, and if any such licensee desires to continue in business after the expiration of such license, a new license shall be secured in the same manner and upon the same terms as the original license.

(6) **SERVICE OF PROCESS.** Before any license shall be issued there shall be filed with the City Clerk, an instrument in writing, signed by the applicant, constituting and appointing the City Clerk his true and lawful attorney upon whom the summons, notices, pleadings or process in any action or proceeding against him may be served in respect to any liability arising out of any business, contract or transaction made within the City of South Milwaukee including any action brought upon the bond provided for in subsection (4) of this section.

(7) CONDUCT OF BUSINESS. All orders taken by any licensee under the provisions of this ordinance shall be in writing and in duplicate, stating fully the terms thereof, together with the amount paid in advance, and the balance remaining due and one copy of such order shall be delivered to the purchaser at the time said order is taken.

(8) PENALTIES. Any person who violates any of the provisions of this section shall, upon conviction, pay a fine of not less than \$1.00 nor more than \$200.00 and the cost of prosecution for each offense, and in default of payment of such fine, shall be confined in the House of Correction for a period not to exceed 30 days.

20.09 TAG DAYS FOR VETERANS ORGANIZATIONS.

(1) The following days of each year shall be designated and dedicated as follows:

(A) The Saturday preceding Memorial Day shall be designated as "Poppy Day" and shall be dedicated to the American Legion and Veterans of Foreign Wars, who on that day may sell and offer for sale anywhere in the City such emblems or mementos as they choose.

(B) The Thursday, Friday and Saturday of the weekend preceding Labor Day weekend shall be designated as "Forget-Me-Not Day" and shall be dedicated to the Disabled American Veterans who on that day may sell and offer for sale anywhere in the City such emblems and mementos as they choose. Recr. 09/04/90, 1475

(C) The Saturday preceding August 14th shall be dedicated to the AMVETS, American Veterans of World War II, who on that day may sell and offer for sale anywhere in the City such emblems and mementos as they choose.

(D) October 27th shall be designated as "Navy Day" and shall be dedicated to the Navy Club who on that day may sell and offer for sale anywhere in the City such emblems or mementos as they choose.

(E) The Saturday preceding June 14th shall be dedicated to the Polish Legion of American Veterans who on that day may sell or offer for sale anywhere in the City such emblems or mementos as they choose.

(F) The Saturday preceding St. Patrick's Day, March 17th, shall be dedicated to the Catholic War Veterans who on that day may sell or offer for sale anywhere in the City such emblems or mementos as they choose. Am. 03/11/54, 506

(G) November 11th shall be designated as "Veteran's Day" if it does not fall on Saturday, the Catholic Veterans Council may conduct memorial services in commemoration of the deceased veterans who served in the war of the United States. Cr. 12/20/51, 449

(H) June 14th shall be designated as Flag Day, and on Friday evening and on Saturday preceding Flag Day, if it does not fall on a Saturday, the Catholic Knights of Wisconsin branch in the City of South Milwaukee may sell and offer for sale anywhere in the City of South Milwaukee lapel United States Flags or other patriotic emblems commemorating Flag Day.

Cr.0 3/11/54, 506

(2) No person or persons, except those under the auspices of the above named organizations, shall sell or offer for sale any device, trinket, emblem or thing purporting to commemorate any particular day, and the above organizations and persons in their behalf shall offer for sale, solicit orders, and sell such emblems, devices, trinkets, or things only on that particular day above dedicated to them.

(A) Any day designated in subsection (1) of this section for the sale of emblems or mementos by any veterans' organization shall be considered as commencing at 3:00 PM on the day preceding such designated day. Cr. 11/18/57, 581

(3) Any person violating Subsection (2) of this section shall, upon conviction thereof, be fined not more than \$200.00 nor less than \$1.00 and the costs of prosecution, and in default of payment thereof be imprisoned in the House of Correction of Milwaukee County for a period not more than 30 days.

20.10 SALE OF CHRISTMAS TREES LICENSED.

(1) It shall be unlawful for any person, firm or corporation to sell Christmas trees within the City of South Milwaukee without first obtaining a license as hereinafter provided. A license shall be required for each stand, place, lot or enclosure where Christmas trees are to be sold or offered for sale, provided that no license shall be required for the sale of Christmas trees of small, novelty or table size, whether natural or artificial, at any indoor location. No license shall be issued for any premises which are zoned for residential purposes, nor for any premises in a building in which any dwelling unit is located.

(2) Applications for licenses to sell Christmas trees shall be filed with the City Clerk upon application forms to be furnished by said Clerk. Such application shall state the name and address of the applicant, the address of the premises where trees are to be sold, the ordinary use to which such premises or location have been devoted up to the time of application, the type and character of any other business carried on at said location and shall describe the premises and location fully where the business is to be carried on. Upon filing of such application, the Clerk shall refer the same to the City Engineer for approval. Upon the certification by the City Engineer that the premises conform in all respects to the applicable ordinances of the City of South Milwaukee, the City Clerk shall issue said license to the applicant upon payment of the required license fee.

(3) The fee for such license shall be established by resolution of the Common Council and shall expire on January 4 following the date of issuance. The licensee shall have direct control over the premises or location to be licensed. The license shall not be assignable or transportable and is restricted to the location for which it is issued. Rep. & Recr. 04/21/98, 1705

(4) It shall be deemed a condition of any license issued pursuant to this section that the location of Christmas trees on the licensed premises shall be subject to the approval of the Chief of the Fire Department. Any license issued pursuant to this section may be revoked by the Common Council, or any appropriate committee thereof, for cause, and it shall be the duty of the Chief of Police and Chief of the Fire Department to report to the Common Council, or such committee thereof, any violation of this section or any other applicable laws or ordinances of the City of South Milwaukee or State of Wisconsin, or any lawful orders made pursuant thereto.

(5) Every applicant for a license under this section shall, at the time of filing his application, post with the City Clerk a cash bond in the sum of \$100.00. Such sum shall be returned to the applicant at such time as the Chief of the Fire Department inspects the licensed premises after the 25th day of December in such year and certified to the City Clerk that such premises have been cleared of all debris from the sale of Christmas trees. In the event the licensee fails to comply with any order of the Chief of the Fire Department regarding such removal of debris, the Chief shall order the necessary work done and the cost thereof shall be paid out of the deposit of the license.

(6) Any person convicted of a violation of this section shall be assessed a forfeiture of not less than \$1.00 nor more than \$200.00, together with the cost of prosecution of each such offense, and in default of payment shall be confined in the House of Correction for a period not to exceed 30 days.

20.101 AMUSEMENT ARCADES. Rep. & Recr. 12/07/82, 1216

(A) PREAMBLE. Because places of amusement which cater primarily to young people often become centers of disorderly conduct, truancy, boisterous activity, and a place for idlers and loiterers to congregate and become sources of annoyance to business and residences near such locations; and whereas such places tend to become a frequent center for illegal drug traffic, if any exists among the youth, and of special concern to law enforcement; therefore, with this purpose in mind, this section is designed to provide regulation of amusement arcades or places where three or more coin operated mechanical or electrical amusement devices are situated, or where one or more such device is situated, not in premises holding a Class B Liquor License, within 500 feet of a school entrance.

(B) PREMISES TO BE LICENSED. No person, firm or corporation being the owner, lessor, lessee, operator or general manager of any premises in the City of South Milwaukee shall:

(1) If such premises are located within 500 feet of the entrance of any school, operate or make available for public use one or more amusement devices. Rep. & Recr. 06/17/86, 1329

(2) If such premises are located beyond 500 feet of the entrance to any school, operate or make available for public use three or more amusement devices without first receiving an Amusement Arcade License.

(3) Amusement Arcade Licenses shall be issued by the Common Council on an annual basis and shall be subject to renewal the first week of July each year. An annual premises fee of \$50.00 shall be submitted along with a license application to the City Clerk who shall forward the same to the Common Council for its consideration. The Common Council shall take into consideration, in determining the issuance or renewal of such license, the location of the premises and the suitability of the premises with regard to proximity to other businesses, residences, churches and schools, the zoning of such premises, the proposed supervision of such premises, the hours during which such machines, devices or games are open to use, the minimum proposed age of users, the number and type of machine, device or game, other uses of the premises, whether the premises have become a source of rowdiness or vandalism in the neighborhood, a source of frequent complaints to the police, or in other ways disruptive of the good peace and order in the community and such other concerns as may be appropriate. Prior to the issuance of any renewal, the Common Council shall receive a report from the Police Department setting forth any problems or difficulties that may have resulted from the licensed premises.

(4) Notwithstanding the foregoing, the provisions of this ordinance shall not apply to any premises licensed with a Class B Liquor License except to the extent that portions of such premise are open to the use and presence of individuals under the legal drinking age; to the extent that any licensed premise has an area within or adjoining it which is open to the use of individuals under the legal drinking age, the provisions of this ordinance regulating amusement arcades shall apply. Cr. 06/17/86, 1329

(5) In computing the number of amusement devices, pool tables and juke boxes shall not be counted as amusement devices. Cr. 06/17/86, 1329

(C) Amusement Arcade Licenses issued under this section shall be restricted in nature. Such license shall be limited to the terms upon which it is granted and such terms shall be clearly set out on the face of the license and may include restrictions respecting hours during which the machines, devices or games are open to use, the minimum age of users, the number and age of supervisory personnel required to be on the premise while the premises' machines, devices or games are open to the public; the number and type of machine, device or game; other uses of the premises and such other limitations or restrictions as may be reasonable.

(D) An Amusement Arcade License may only be issued to the person operating the premises.. The license shall be enclosed in a wood or metal frame having a clear glass space and a substantial wood or metal back so that the whole of such license may be seen therein, and shall be posted up and at all times displayed in a conspicuous place in the room where the amusement device or devices are located so that all persons visiting such place may readily see the license. It shall be unlawful for any person to post an Amusement Arcade License or to permit an Amusement Arcade License to be posted upon premises other than those for which the license was issued, or to knowingly deface or falsify the terms of a license or to destroy the license. Whenever a license shall be lost or destroyed without fault on the part of the holder of the license or his agent or employee, a duplicate license in lieu of the original and under the original application shall be issued by the City Clerk upon the presentation of evidence sufficient to satisfy the City Clerk and a violation of this section has not occurred. The fee for the issuance of a duplicate license under this section shall be \$20.00.

(E) The holder of an Amusement Arcade License who violates or permits a violation of the terms of the Amusement Arcade License shall:

(1) Upon first conviction, pay a fine of not more than \$500.00.

(2) Upon second conviction, have such license suspended for up to nine months, plus pay a fine of not more than \$500.00.

(3) Upon a third conviction, have the license revoked for a period of up to two years and pay a fine of not more than \$500.00.

(F) Any premises where three or more machines are installed or are to be installed, or where one or more machines are installed or are to be installed within 500 feet of the entrance of a school, shall obtain a license under this section prior to the issuance of an Occupancy Permit by the Building Inspector or an Amusement Device Registration Tag from the City Clerk.

20.12 REGISTRY OF MASSAGE THERAPISTS AND BODYWORKERS REQUIRED. Cr. 07/05/00

(1) No person or entity shall engage in the practice of massage therapy or bodywork or perform massage therapy or bodywork for gain, unless such person has previously been issued and holds a valid license of registration under Subchapter XI of Chapter 460 of the Wisconsin Statutes, as amended.

(2) All businesses engaged in the offering massages and all businesses advertising themselves as a “Spa”, “Bathhouse” or “Massage Parlor” shall obtain a license to operate prior to January 1 of each year. The fee for the license shall be established by resolution of the Common Council and shall be sufficient to reimburse the City the expense of inspections and background checks and registry verifications for therapists and body workers.

(3) All businesses engaged subject to this ordinance shall provide the City with a list of the employees engaged in massage or body work and proof that the employees are registered with the State of Wisconsin and no employee shall commence work at any establishment in the City of South Milwaukee until the City has verified that the individual is registered with the State of Wisconsin.

Section 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect. Cr. 07/05/00

20.13(A) GENERAL PROVISIONS

(1) *Terms interchangeable.* The words “license” and “permit” as used throughout this chapter shall be interchangeable.

(2) *License required.* No person shall engage in any secondhand dealer business or activity without a license therefore as provided by this chapter.

(3) *Application.* Application for a license required by this chapter shall be made to the City Clerk on a form furnished by the City, and shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the City Council.

(4) *License fees.*

(a) *Fees to accompany application.* License fees imposed under section (3) shall accompany the application, unless exempt by State law. (b) *Refunds.* No fee paid shall be refunded unless the license is denied or the applicant withdraws his/her /its’ application prior to Council consideration. Under no circumstances will publication or personal history search fees be refunded.

(b) *Additional fees.* Whenever a personal history search is required prior to the issuance of a City license or permit, an additional \$7.00 for each personal history search to be conducted on Wisconsin residents shall be collected by the City Clerk and an additional \$14.00 for each personal history search to be conducted on out-of-state residents shall be collected by the City Clerk.

(c) *Late filing fee.* When a license application that requires Common Council approval is filed after the deadline, the Council may choose to hold a special Council meeting, if requested by the applicant. The applicant shall be required to pay double the license fee if a special meeting is held.

(5) *Granting of licenses.* Unless otherwise designated, licenses required by this chapter shall be issued by the City Clerk only with the approval of the Council.

(6) *Terms of licenses.* Except as otherwise provided by these ordinances or State law, all licenses issued hereunder shall expire on June 30 in the year of issuance unless issued for a shorter term, when they shall expire at midnight of the last effective day of the license.

(7) *Form of licenses.* All licenses issued hereunder shall show the date of issue and expiration and the activity licensed and shall be signed by the City Clerk.

(8) *Records of licenses.* The City Clerk shall keep a record of all licenses issued.

(9) *Display of license.* All licenses hereunder shall be displayed upon the premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the City upon request.

(10) *Delinquent taxes, assessments or other fees.*

(a) No license authorized or required under this section shall be issued or renewed, unless the applicant shall have first paid any municipal taxes, assessments, or other fees owned to the City at the time the license is to be granted or renewed.

(b) For purposes of this section, personal property taxes are delinquent if payment in full is not made by January 31 of the year in which the tax is due.

(B) SECONDHAND DEALERS AND SECONDHAND JEWELRY DEALERS.

1. Definitions. When used in this article, the following words shall mean:

(a) “Article” means any of the following:

1. Computers, printers, software, and computer supplies;
2. Electronic equipment and appliances;
3. Firearms, knives, and ammunition;
4. Jewelry containing precious metals or precious stones;
5. Telephones;
6. Video discs and other optical media;
7. Coins, bullion;
8. Metal, mineral, or gem customarily regarded as precious or semiprecious;
9. Snow removal and lawn equipment;
10. Paper money;
11. Sports memorabilia with a resale value greater than \$100.00.

(b) “Article”, as defined for this section, does not include clothing, books, video tapes, audio compact discs or sporting equipment. A business required to report video tapes and compact discs under §134.71(1)(g), Wis. Stats., shall be required to do so.

(d) “Charitable organization” has the meaning specified in §134.71(1)(am), Wis. Stats.

(e) “Customer” means a person with whom a transaction is conducted by a secondhand article dealer or secondhand jewelry dealer, or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

(f) “Secondhand article dealer” or “secondhand jewelry dealer” means any person who engages in the business of purchasing any article with an expressed or implied agreement or understanding to resell it at a subsequent time.

(g) To the extent that a secondhand article dealer or secondhand jewelry dealer's business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable.

(h) A person is not acting as a secondhand article dealer or secondhand jewelry dealer when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale or an estate sale where the seller of the item is the homeowner or resident at the location of the yard sale and where such yard sale complies with the requirements set forth elsewhere in the Municipal Code.
2. Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in §70.995(2), Wis. Stats.
3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.
4. Any transaction between a buyer of an article and the person or entity who originally sold the article that involves any of the following:
 - a. The return of the article for a refund.
 - b. The return of the article for credit toward a future purchase.
 - c. The exchange of the article for a different article.
5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.
6. Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

(i) "Reportable transaction" means every transaction conducted by a secondhand article dealer or secondhand jewelry dealer in which an article or articles are received by a secondhand article dealer or secondhand jewelry dealer through purchase, consignment, or trade, or in which a previous agreement is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, except:

1. The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the subsequent retail sale of said article, provided the secondhand article dealer or secondhand jewelry dealer must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.
2. Retail and wholesale sales of articles originally received by secondhand article dealers or secondhand jewelry dealers and for which all applicable hold and/or redemption periods have expired.

(j) "Secondhand" means property owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer or secondhand jewelry dealer, immediately before the transaction at hand.

(k) "Person in charge" means an employee who has undergone the background check requirements of subsection 20.13 (B)(3).

(2) *License required.* No person may operate as a secondhand article dealer or secondhand jewelry dealer unless the person first obtains a secondhand article dealer or secondhand jewelry dealer license under this chapter.

(2.1) For licenses issued after January 1, 2012, a person wishing to operate as secondhand article dealer or secondhand jewelry dealer shall apply for a license to the City Clerk. The Clerk shall furnish application forms approved by the Police Department that shall require all of the following:

(a) The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.

(b) The name and address of the business and of the owner of the business premises.

(c) For licenses subject to the requirements of §134.71(1), Wis. Stats., whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

1. If the applicant is a corporation, the state where incorporated and the name and address of all officers.
2. If the applicant is a partnership, the state where the partnership is registered and the name and address of all partners.
3. If the applicant is a limited liability company, the names and addresses of all members.
4. The name, previous or maiden names, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application, driver's license/identification card number and state of issue of the manager or proprietor and all employees who will act as a "person in charge" at the South Milwaukee location.
5. Any other information the City Clerk may reasonably require.

(d) For licenses not subject to the requirements of §134.71(1), Wis. Stats., whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

1. If the applicant is a corporation, the state where incorporated and the name and address of the corporation's registered agent.
2. If the applicant is a partnership, the state where the partnership is registered and the name and address of the partnership's registered agent.
3. If the applicant is a limited liability company, the names and addresses of all members.
4. The name, previous or maiden names, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application, driver's license/identification card number and state of issue of the manager or proprietor and all employees who will act as a "person in charge" at the South Milwaukee location.

(e) A statement as to whether the applicant has been convicted within the preceding 10 years of a felony or within the preceding 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

(f) A statement as to whether the manager or any "person in charge" has been convicted within the preceding 10 years of a felony or within the preceding 10 years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

(g) Whether the applicant or any other persona listed in subsection

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(B)(2)(c) above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

(h) Whether the applicant or any other person listed in subsection 20.13(B)(2)(c) above has previously been denied or had revoked or suspended a pawnbroker, secondhand article dealer or secondhand jewelry dealer license from any other governmental unit in the State of Wisconsin. If so, the applicant must furnish information as to the date, location, and reason for the action.

(3) *Investigation of license applicant.* The Police Department shall investigate each applicant and any other person listed in subsection 20.13 (B)(2). The department shall furnish the information derived from that investigation in writing to the City Clerk. The investigation shall include each individual or entity listed in subsection 20.13(B)(2)(c).

(4) *License issuance and conditions.*

(a) The City shall grant the license if all of the following apply: The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted within the preceding 10 years of a felony or within the preceding 10 years of a misdemeanor, statutory violation punishable by forfeiture or county of municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

(b) No license issued under this subsection may be transferred.

(c) Each license is valid from July 1 until the following June 30.

(d) Display of license. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

(e) License fees. The annual license fees for licenses issued under the chapter shall be found in the City of South Milwaukee Administrative Services Fee Schedule.

(5) *Records required.* At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record, in English, the following information by using ink or other indelible medium on forms or in a computerized record approved by the Police Department:

(a) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(b) The purchase price therefore.

(c) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.

(d) Full name, current residence address, current residence telephone number and date of birth and apparent sex of the individual.

(e) The identification number and state of issue from any of the following forms of identification of the seller:

1. Current Wisconsin driver's license.
2. Current State of Wisconsin identification card.
3. Official government-issued passport.
4. United States Military identification card.
5. Current valid photo identification card issued by another state or province of Canada.

(f) The signature of the person identified in the transaction.

(g) Effective 60 days from the date of notification by the Police Department of acceptable photographic or video standards, the licensee must also take a color photograph, color video recording or inked fingerprint impression of each customer involved in a billable transaction.

(h) Effective 60 days from the date of notification by the Police Department of acceptable photographic or video standards, the licensee must also take a color photograph, color video recording of:

1. Every item a secondhand article dealer or secondhand jewelry dealer has purchased that does not have a unique serial or identification number permanently engraved or affixed. This section does not apply to:

- a. Computer software.
- b. DVDs or video discs.
- c. Loose precious stones.

2. When a photograph is taken, it must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate.

3. Photographs must be available to the Chief of Police, or the Chief's designee, upon request.

4. The major portion of the photograph or recording must include an identifiable facial image of the person who pawned or sold the item.

5. Items photographed must be accurately depicted.

(i) Digitized photographs. Effective 60 days from the date of notification by the Police Department licensees must fulfill the photograph requirements in subsection 20.13 (B)(5) by submitting them as digital images, in a format specified by the Police Department, electronically cross-referenced to the reportable transaction they are associated with.

(j) For renewals, extension, redemptions and confiscations the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

(6) *Inspection of records.* Records must at all reasonable times be open to inspection by the Police Department. Data entries shall be retained for at least one year from the date of transaction. Digital images or video recordings shall be retained a minimum of 30 days.

(7) *Daily reports to police.* Licensees must submit every reportable transaction to the Police Department within 48 hours of transaction. Licensees must provide to the Police Department all reportable transaction information by transferring it from their computer to the NEWPRS system. All required records must be transmitted completely and accurately in accordance with standards and procedures established by the issuing authority.

(a) If a license is unable to successfully transfer the required reports to NEWPRS within 48 hours of the transaction, the licensee must provide the Police Department, upon request, printed copies of all reportable transactions along with the video recording(s) for that date, by noon the next business day after the failure occurred;

(b) If the problem is determined to be in the licensee's system or with the licensee's internet connection, and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in subsection 20.13 (B)(5), and shall be charged a \$100.00 reporting failure penalty, daily, until the error is corrected; or

(c) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in subsection 20.13(B)(7), and resubmit all such transactions via the internet when the error is corrected.

(d) If a licensee is unable to capture, digitize or transmit the photographs required in subsection 20.13 (B)(5)(i), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the Police Department upon request.

(e) Regardless of the cause of origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

(f) The Police Department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(8) *Receipt required.* Every secondhand dealer must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for one year. The receipt must include at least the following information.

- (a) The name, address and telephone number of the licensed business.
- (b) The date and time the item was received by the licensee.
- (c) The nature of the transaction.
- (d) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (e) The signature or unique identifier of the licensee or employee that conducted the transaction.
- (f) The amount paid.
- (g) The full name, current residence address, current residence telephone number.
- (h) The signature of the seller.

(9) Any item purchased or received by a secondhand article dealer or secondhand jewelry dealer shall be kept on the premises or other place of safekeeping for not less than 21 days after the date of purchase or receipt.

(a) During the period set forth in subsection 20.13 (B) (10), the article shall be held separate from saleable inventory and may not be altered in any manner. The secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the article during this period.

(b) Within 24 hours after a request of a law enforcement officer during this period, a secondhand article dealer or secondhand jewelry dealer shall make available for inspection any article which is kept off the premises for safekeeping.

(c) All holding periods shall begin at the time the transaction is entered into NEWPRS regardless of the time of the actual transaction.

(10) *Police order to hold property.*

(a) Investigative hold. Whenever a law enforcement official from any law enforcement agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, whichever comes first.

(b) Order to hold. Whenever the Chief of Police, or the Chief's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the Chief or the Chief's designee. The order to hold shall expire 90 days from the date it is placed unless the Chief of Police or the Chief's designee determines the hold is still necessary and notifies the licensee in writing.

(c) Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the Chief or Chief's designee may physically confiscate and remove it from the shop, pursuant to a written order from the Chief or the Chief's designee, or place the item on hold or extend the hold as provided in subsection 20.13 (b)(12)(b), and leave it in the shop.

- (d) When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.
- (e) When an order to hold/confiscate is no longer necessary, the Chief of Police or Chief's designee shall so notify the licensee.
- (11) *Inspection of items.* At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.
- (12) *Label required.* Licensees must attach a label to every group of items or a container(s) holding every group of items received from the same individual during the same transaction, at the time it is purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the Police Department, whichever is applicable, and the date the item can be sold, if applicable. Labels can be removed at the conclusion of the holding period and shall not be reused.
- (13) *Person in charge.* Every secondhand article dealer or secondhand jewelry dealer shall have on premises a person in charge at all times that the secondhand article dealer or secondhand jewelry dealer is open to the public.
- (14) *Prohibited acts.* No person under the age of 18 years may sell or attempt to sell goods with any secondhand article dealer or secondhand jewelry dealer, nor may any secondhand article dealer or secondhand jewelry dealer receive any goods from a person under the age of 18 years, except as permitted by this subsection:
- (a) A secondhand article dealer or secondhand jewelry dealer may engage in a transaction with a minor if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.
- (b) No secondhand article dealer or secondhand jewelry dealer may receive any goods from a person of unsound mind or an intoxicated person.
- (c) No secondhand article dealer or secondhand jewelry dealer may receive any goods, unless the seller presents identification as required under this ordinance.
- (d) No secondhand article dealer or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or identification number or any item of property that has had its serial number removed.
- (e) No person may sell, consign, leave, or deposit any article of property not their own; nor shall any secondhand article dealers, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn and secondhand article dealers, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest; with any licensee.
- (f) No person seeking to sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; no present a false or altered identification, or the identification of another; to any licensee.
- (15) *License denial, suspension, or revocation.* The City may deny, suspend, or revoke any license issued by it under this section for fraud, misrepresentation, or false statement contained in the application for a license, or for any violation of this chapter or §134.71, 943.34, 948.62, or 948.63, Wis. Stats., or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

(16) *Business at only one place.* A license under this chapter authorized the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the Chief of Police, or Chief's designee, may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with this chapter. All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the City Code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than 6 months.

(17) *Severability.* Should any section, subsection, clause or other provision of this chapter be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared invalid.

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