

**CITY OF WEST ALLIS
ORDINANCE O-2022-0086**

**ORDINANCE TO ADJUST TERM OF TRANSIENT MERCHANT AND JUNK
PICKER LICENSES**

AMENDING SECTION 9.47

WHEREAS, the term for transient merchant and junk picker licenses is 60 days; and

WHEREAS, a longer term would balance the the public interest in licensing those activities and the administrative burdens for city staff and licensees; and

WHEREAS, Wis. Stat. 66.0435 requires all local manufactured and mobile home community licenses to expire annually;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “9.47 General Provisions” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.47 General Provisions

1. Vicarious Liability. A licensee is liable for any violations of any provision of this chapter committed in the course of conducting the licensed activity by the licensee's employee, agent, or contractor. Each licensee has the affirmative duty to see that every regulation is obeyed by employees, agents, and contractors. The licensee may be convicted for a violation committed by an employee, agent, or contractor only in a civil forfeiture action. None of the following are defenses to the liability imposed under this section:
 - a. The licensee was deceived about or ignorant of the violation.
 - b. The licensee was absent at the time of the violation.
 - c. The licensee had prohibited employees, agents, and contractors from doing the act that resulted in a violation.
2. State Law Applicable. Any duty or authority assigned by state law to a City body, officer, or department shall be in effect unless explicitly declined or rejected in this code. Nothing in this chapter may be construed to implicitly preclude, decline, or reject any authority or duty in state law.
3. License List. The table below indicates by type of license which city officer issues the license, whether the issuing officer may grant the license without council approval, whether a record check is required, the term of the license, and which city departments

receive notification of an application for that license.

Type	Issuing Officer	Issuing Officer May Grant (a)	Recorder Check	Expires	Departments Notified							
					BI NS	Clerk	Engineer	Fire	Health	Planning	Police	Public Works
Adult-Oriented Entertainment	Clerk	No	Yes	June 30	X	X		X	X		X	
Alcohol Beverages												
Class "B" Beer (provisional)	Clerk	Yes(b)		60 days	X	X		X	X		X	
Class "B" Beer (regular)	Clerk	No		June 30	X	X		X	X		X	
Class "B" Beer (temporary)	Clerk	Yes	No	As stated on license		X					X	
"Class B" Liquor (provisional)	Clerk	Yes(b)		60 days	X	X		X	X		X	
"Class B"				June								

Liquor (regular)	Clerk	No		30	X	X		X	X		X	
"Class B" Wine (temporary)	Clerk	Yes	No	As stated on license		X					X	
"Class C" Wine (provisional)	Clerk	Yes(b)		60 days	X	X		X	X		X	
"Class C" Wine (regular)	Clerk	No		June 30	X	X		X	X		X	
of Premises	Clerk	No		As stated on license	X	X			X	X	X	
Operator's (provisional)	Clerk	Yes(c)		60 days		X					X	
Operator's (regular)	Clerk	Yes(f)		Every other June 30		X					X	
Operator's (temporary)	Clerk	Yes		1-14 days		X					X	
Animal Sales and Service	Health Commissioner	Yes		June 30					X			
Bed and	Health			June								

Breakfast Establishment	Commissioner	Yes		30 (e)					X			
Body Piercing	Health Commissioner	Yes		June 30					X			
Campground and Camping Resort	Health Commissioner	Yes		June 30(e)					X			
Cigarette and Tobacco Products Retailer	Clerk	Yes		June 30	X							
Concrete Contractor	Clerk	Yes		June 30	X	X						
Entertainment Device Distributor	Clerk	Yes		June 30	X						X	
Escort Service	Clerk	No	Yes	June 30	X						X	
Fitness Center	Health Commissioner	Yes		June 30					X			
Hotel or Motel	Health Commissioner	Yes		June 30(e)					X			
Junk Picker	Clerk	Yes		4 months 60 days	X						X	X

Lodging House	Health Commissioner	Yes		June 30	X				X			
Manufactured and Mobile Home Community	Clerk	Yes		June 30 1 year of even years	X	X					X	
Nicotine Products Retailer	Clerk	Yes		June 30	X	X			X		X	
Pawnbroker	Clerk	No		Dec. 31		X					X	
Public Entertainment												
Regular	Clerk	No	Yes	June 30	X	X		X	X	X	X	
Temporary	Clerk	No	Yes (d)	As stated on license							X	
Public Swimming Pool	Health Commissioner	Yes		June 30(e)					X			
Recreational and Educational Camp	Health Commissioner	Yes		June 30(e)					X			
Retail Food Establishment	Health Commissioner	Yes		June 30(e)					X			

Second hand Article Dealer	Clerk	No		Dec. 31		X					X	
Second hand Jewelry Dealer	Clerk	No		Dec. 31		X					X	
Tattoo	Health Commissioner	Yes		June 30					X			
Tourist Rooming House	Health Commissioner	Yes		June 30(e)	X				X			
Transient Merchant	Clerk	Yes		4 mont hs 60 days		X			X		X	

- a. The issuing officer may only grant a license to an applicant who is clearly qualified.
- b. The issuing officer shall grant a provisional retail license under [Wis. Stat. 125.185](#) only to applicants whose applications are pending before the common council and all the following applies:
 - i. The License & Health Committee has recommended granting the license.
 - ii. The applicant has obtained all required licenses and permits.
 - iii. The applicant has passed all required inspections.
- c. The issuing officer shall grant a provisional operator's license to any applicant who meets the qualifications under [Wis. Stat. 125.17\(5\)](#).
- d. No record check is required for a temporary public entertainment license if the applicant already holds a Class "B" license.
- e. Licenses initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.
- f. The issuing officer may grant and issue a regular operator's license only if the applicant does not have any of the following:
 - i. A pending criminal charge for any offense under [Wis. Stat. 111.335\(4\)\(a\)](#)
 - ii. A conviction for an offense counted under [Wis. Stat. 343.307](#) within two years of the application date
 - iii. A second or subsequent conviction for an offense counted under [Wis.](#)

- [Stat. 343.307](#) within five years of the application date
- iv. Convictions for three or more violations of [Wis. Stat. 343.44](#) within two years of the application date
 - v. A conviction for any offense under [Wis. Stat. Ch. 125](#) or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of [Wis. Stat. 125.07](#) may be considered unless the applicant has committed two or more violations within one year;
 - vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
 - vii. Convictions for three or more misdemeanors within five years of the application date.
4. Fees. An applicant for a license shall pay any applicable fees listed in the [Fee Schedule](#).

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis