

**CITY OF WEST ALLIS
ORDINANCE O-2021-0016**

ORDINANCE TO REPEAL USED VEHICLE DEALER LICENSE

REPEALING SECTION 9.125

WHEREAS, the State of Wisconsin already qualifies and licenses used vehicle dealers, and the City can control the location of used vehicle dealers through its zoning code;

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

SECTION 1: **REPEAL** “9.125 Used Vehicles, Dealers License Required” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~9.125 Used Vehicles, Dealers License Required (Repealed)~~

1. License. No person, firm, corporation, partnership or other legal entity shall engage in the business of buying, selling, exchanging or dealing in used or second hand motor vehicles unless licensed by the City and except in accordance with the terms and requirements of this ordinance. "Business" means the buying, selling, exchanging or receiving into possession motor vehicles for the purpose of earning a livelihood therefrom on a full- or part-time basis. "Motor vehicle" shall have the meaning set forth in § 340.01(35) of the Wisconsin Statutes.
2. License Application. Written applications for used or second hand motor vehicles shall be on forms provided by the City Clerk. The license year shall be from May 1 to April 30. Any license granted under the authority of this ordinance shall not be transferable. The license application shall contain the following information:
 - a. Name and address of applicant.
 - b. Address, location and legal description of the premises for which license is sought. Each non-contiguous premises shall be separately licensed, except that a lot or parcel with no buildings upon it that is within five hundred (500) feet of a licensed premises that is used solely to display additional vehicles need not be separately licensed. **[Ord. 6300, 4/1/1997]**
 - c. If the applicant is a partnership, association or corporation, the application shall set forth the names and addresses of the partners, officers or members, together with the information required in subsection (a) hereof. If the applicant is a corporation, the application shall set forth such fact together with the state of incorporation. The application shall also contain the names and addresses of one or more persons whom such corporation or association shall designate as manager or person in charge.

- d. Fees. The license fee shall be two hundred thirty dollars (\$230.00) per annum, payable to the City Clerk/Treasurer upon application, and such license shall expire on the 30th day of April after the granting thereof, unless soon revoked by the Common Council. The license shall be attested by the City Clerk/Treasurer and shall not be delivered to the applicant until he shall produce and file with the City Clerk/Treasurer a receipt showing the payment of the sum required therefor to the City Treasurer. **[Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]**
3. Reports Required. License applications shall be referred by the City Clerk to the Building Inspector and the Chief of Police who shall report on same to the Common Council within fifteen (15) days after referral.
4. Landscape/Screening Plans. Prior to the license being granted, the applicant shall submit landscape/screening plans to the Plan Commission for approval. The grant of a license under this section is subject to approval of said plans by the Plan Commission and implementation of the plans by the licensee.
5. Common Council Action. Upon receipt of the reports and plans and upon a finding by the Common Council that the granting of the license will not adversely affect the public health, welfare and safety, the Common Council shall grant the license, signed by the Mayor and City Clerk and thereafter issued by the Clerk, subject to suspension or revocation, as thereafter set forth.
6. Premises to Comply with Ordinances and Orders. All licensed premises shall be kept reasonably clean and shall comply with all lawful ordinances and orders of the City of West Allis and its officials. The premises shall be open to inspection by the City Police and licensing officers during normal business hours.
7. Licensee to Keep Records.
 - a. Every person, firm or corporation engaged in the business of buying, selling, exchanging or trading in used or secondhand motor vehicles, and every person, firm or corporation engaged in the business of buying or selling new motor vehicles, shall keep a daily record of all used or secondhand motor vehicles and, in addition thereto, wherever available, the motor number, factory number, body number, color, type, model and other marks of identification, the date of purchase or trade, together with the names of persons involved in the transaction. The records required by this section shall be preserved for a period of two (2) years and made available to the Police Department upon demand.
 - b. Any person, firm or corporation dealing in new and used or secondhand motor vehicles, wherever a used or second hand motor vehicle is taken in trade as part payment on the price of a new motor vehicle, shall make a record of the motor number, factory number, body number, color, type and model, together with other marks of identification of such used or secondhand motor vehicle. In addition thereto, the full name, place of residence of the person trading in such used motor vehicle, the state license number and data pertaining to the bill of sale or other evidence of title shall be preserved for a period of two (2) years and made available to the Police Department upon demand.
8. Licensee to Furnish Statement. Any person, firm or corporation licensed under this

section shall furnish to each buyer a statement in writing bearing the signature of the seller or an authorized representative of the same, upon the sale of a used or second hand automobile and before delivery of the same to the purchaser, containing the following information:

- a. Year and make of car;
- b. Model number;
- c. Style and body type;
- d. Motor number and age;
- e. Serial number of chassis;
- f. Purchase price of car;
- g. Finance charges:
 - i. Interest fees;
 - ii. Cost of insurance:
 - (1) Fire;
 - (2) Theft;
 - (3) Liability;
 - (4) Other type of insurance;
 - iii. Brokerage fees;
 - iv. Other finance charges.

9. Suspension and Revocation. The license provided herein shall be revoked or suspended at any time by the Common Council after a hearing at which it has been found that the licensee had failed or refused to comply with the terms and conditions of this ordinance or lawful orders issued hereunder. Such hearing may be held by the Common Council upon its motion or upon a complaint, in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with this ordinance or lawful order issued hereunder. A copy of the complaint, together with a Notice of Hearing, shall be served upon the licensee not less than ten (10) days prior to the date of the hearing.
10. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than one hundred dollars (\$100), together with the cost of prosecution and, in default thereof, be imprisoned in the Milwaukee County House of Correction until said forfeiture and costs are paid, but not in excess of the number of days set forth in sec. 800.095(a) of the Wisconsin Statutes, or by suspension of operating privileges pursuant to secs. 343.30 and 345.47 of the Wisconsin Statutes. Each and every day during which a violation continues constitutes a separate offense.

~~{Ord. 6049, 10/19/1993}~~

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