

(M) **Violations by Agents or Employees.** A violation of this ordinance by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(N) **Penalties.** The penalty provisions of Chapter 125, Wisconsin Statutes, are hereby adopted, exclusive of any term of imprisonment. If a specific fine or range of fines is set forth in the Wisconsin Statutes for a violation, that specific amount or range shall be the amount or range of the forfeiture for violation of the municipal ordinance counterpart of the Statutes. If a specific penalty is not provided, a forfeiture of not more than Five Hundred Dollars (\$500.00) may be imposed and the Court may suspend or revoke any license or permit issued to the person.

(O) The Uniform State Deposit Schedule (as amended from time to time and adopted by the Wisconsin Judicial Council) is hereby adopted as the deposit schedule for the Village of New Auburn with respect to Section 10.07.

## 10.08

### JUNKYARD PERMIT ORDINANCE

(1) **COVERAGE.** Every person, pursuant to Sections 66.049, 84.31, and 175.25, (1993-1994) Wisconsin Statutes, and this ordinance, in the Village of New Auburn who shall accumulate or store junked automobiles or parts thereof within five hundred (500) feet of the center line of any Village road in the Village of New Auburn shall seek and obtain a Junkyard Permit from the Village of New Auburn. The fee for such permit shall be established by the Village Board at not less than Twenty-five Dollars (\$25.00) per permit. The fees shall be established annually by the Village Board prior to July 1. Fees are as noted in Appendix E. The permit shall be issued for July 1 of the first year to June 30 of the next year. The permit shall be issued by the Village Clerk prior to any person accumulating or storing such auto materials in the Village.

(2) **APPLICATION/PERMIT.** The application and permit shall designate the premises to be permitted. The permit may be amended without charge if the permittee changes premises in the Village of New Auburn. However, the permit is not transferrable from one person to another. The application and permit shall contain the following:

- (A) The name of the applicant.
- (B) The address of the commercial premises.

(C) The commercial premises telephone number, if any, and the residential telephone number of the applicant, if any.

(D) The age of the applicant.

(E) A description of the commercial premises.

(F) The quantity and manner of storing such junk.

(G) The projected number of years for accumulation, storage and removal of these vehicles.

(3) **EXEMPTIONS.** Certain persons will be exempt from this permit requirement if they meet the requirements of Section 175.25(4), (1993-1994) Wisconsin Statutes. Moreover, any person with less than two (2) unlicensed/unshedded automobiles stored on premises shall be exempt from this ordinance.

(4) **ORDINANCE/PERMIT**

(A) The persons subject to this ordinance shall comply with Sections 84.31 and 175.25, (1993-1994) Wisconsin Statutes, and this ordinance.

(B) The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

(C) The applicant and any other person subject to this ordinance shall comply as follows:

(1) No person shall be issued or reissued a Junkyard Permit in the Village of New Auburn until the appropriate fee has been paid to the Village Clerk.

(2) No person shall be issued or reissued a Junkyard Permit in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village.

(3) No person shall be issued or reissued a Junkyard Permit in the Village of New Auburn if the applicant for the junkyard permit:

(a) Fails to install and maintain fences as determined by the Village Board.

(b) Fails to install and maintain adequate fire safety equipment as determined by the Fire Inspector.

(c) Fails to install, provide, and maintain adequate and necessary physical structures and equipment as determined by the Village Board and fails to comply with conditions, rules and safeguards as determined by the Village Board to prevent public nuisances and to protect the public health and safety to persons residing near the junkyard premises or persons entering the junkyard premises including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.

(d) Fails to comply with the Village of New Auburn Zoning Ordinance as determined by the Village Board.

(e) Fails to prevent open fires or the burning of solid waste or hazardous waste at the junkyard premises. This includes the burning of automobiles and parts thereof.

(f) Fails to install, provide and maintain adequate landscaping surrounding the junkyard premises as determined by the Village Board.

(g) Fails to provide and maintain adequate security and operational personnel to prevent trespassing onto the junkyard premises.

(h) Fails to install and maintain adequate physical structures and operational controls to prevent trespassing, littering and to prevent private nuisances on private and public lands adjacent to the junkyard location.

(i) Fails to allow physical access to the junkyard location by the Village Board or designee for inspection purposes upon twenty-four (24) hours notice to the applicant or permittee.

**(5) OTHER PROVISIONS**

(List and Describe)

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**10.09      LICENSING AND REGULATING AMUSEMENTS**

(1)    **LICENSES REQUIRED.** It shall be unlawful for any person to operate for public use within the limits of the Village of New Auburn any billiard or pool table, or coin-operated amusement device without first having obtained a license therefore as prescribed by this ordinance.

(2)    **LICENSE FEES.** The amount to be paid for any such license shall be as follows:

(A)    For each billiard or pool table, or coin-operated amusement device, \$10.00 per year.

(3)    **APPLICATION AND ISSUANCE OF LICENSES.** Every person desiring to obtain a license for the operation of a coin-operated device, billiard or pool table, shall file with the Village Clerk an application in writing for such license, which application shall be made by the person or persons desiring the same, or his or their authorized agent. Such application shall state the name or names of the parties desiring such license, and such other information as may be required by the Village Clerk. The application shall specify the premises for which such license is desired. Upon filing a receipt for payment of the license fee with the Village Clerk, the latter shall issue a license stating the type of the amusement and the length of time for which the license is issued.

(4)    **NO LICENSES TO BE ISSUED TO MINORS OR IRRESPONSIBLE PERSONS.** No license shall be issued hereunder to any minor, or to any irresponsible person or to any person not of good character.

(5)    **PERSONAL LICENSE.** Licenses which shall be issued under the provisions of this section are personal and shall not be assigned or transferred, or used to license any other device other than that specifically named on the application.

(6)    **LICENSE TO BE EXHIBITED.** It shall be the duty of any person licensed as herein provided and upon the demand of the Marshal to exhibit his license and make an affidavit that he is the person named therein.

(7)    **LOTTERY AND GAMBLING DEVICES PROHIBITED.** No person shall conduct or operate in connection with any circus or similar show any lottery, game of chance, or gambling device of any kind or description, and the Village President, Marshal, or any official of this Village may seize or direct to be seized any such

instrument, device or thing used for the purpose of gambling.

(8) **SUSPENSION AND REVOCATION OF LICENSES.** Any license issued hereunder may be suspended at any time by the Village President on proof furnished him of the violation of any of the ordinances, of the Village of New Auburn or the laws of the State of Wisconsin. Any such suspension shall, however be reported by the Village President to the Village Board at its first session thereafter. Any person aggrieved by such action of the Village President may appeal therefrom to the Village Board, and the Village Board shall grant to such person a hearing, and the Board shall then determine whether such license shall be revoked.

(9) **PENALTY.** Any person who shall violate any provision of this section shall be subject to a penalty as provided in Section 1.05 of this code.