

Chapter 98

SECONDHAND GOODS¹

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¹ **Cross references:** Businesses, ch. 22.

ARTICLE I. IN GENERAL

Secs. 98-1--98-30. Reserved.

ARTICLE II. DEALERS

Sec. 98-31. Definitions².

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Secondhand article dealer means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

- (1) Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.
- (2) Any transaction entered into by a person while engaged in a business for which the person is licensed under Wis. Stats. § 134.71(2) or (4) or while engaged in the business of junk collector, junk dealer or scrap processor as described in Wis. Stats. § 70.995(2)(x).
- (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 a new article and the person who sold the article when new which involves any of the following:
 - a. The return of the article.
 - b. The exchange of the article for a different, new 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 which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

Sec. 98-32. License required.

² **Cross references:** Definitions generally, § 1-2

No person shall do business as a dealer in secondhand goods, wares or merchandise, secondhand furniture excepted, without having obtained a license therefor.

(Code 1986, § 12.05(2))

Sec. 98-33. Application for license.

Any person desiring to obtain a license as a secondhand article dealer shall file with the city clerk-treasurer his application. The information required on the application shall be that as required by Wis. Stats, § 134.71(5).

(Code 1986, § 12.05(4))

Sec. 98-34. License fee.

The fee for a secondhand article dealer shall be as established by the council from time to time and as set forth in appendix A.

(Code 1986, § 12.05(3), (8))

Sec. 98-35. Change of business location.

Any licensee under this article shall maintain only one place of business and shall obtain the approval of the chief of police before changing his place of business.

(Code 1986, § 12.05(5))

Sec. 98-36. Record of transactions.

Each secondhand article dealer shall maintain the records required by Wis. Stats. § 134.71(8)(c) and keep the records available for inspection as provided in such statute.

(Code 1986, § 12.05(6))

Sec. 98-37. Transactions with minors³.

No secondhand article dealer shall engage in a transaction involving a secondhand article with a minor except as permitted under Wis. Stats. § 134.71(8)(b).

(Code 1986, § 12.05(7))

³ **Cross references:** Minors, § 82-231 et seq.