

ORDINANCE 4.02
REGULATION OF TRANSIENT MERCHANTS

The Village Board of the Village of Radisson, Wisconsin, do ordain as follows:

Section One: Chapter 4.02 of the Village Code is created to read:

“Transient Merchants

- § 4.02.01 Registration Required
- § 4.02.02 Definitions
- § 4.02.03 Exemptions
- § 4.02.04 Registration
- § 4.02.05 Investigation
- § 4.02.06 Appeal
- § 4.02.07 Regulation of Transient Merchants
- § 4.02.08 Records
- § 4.02.09 Revocation of Registration
- § 4.02.10 Penalty Provision
- § 4.02.11 Severability

4.02.01 REGISTRATION REQUIRED.

It shall be unlawful for any transient merchant to engage in sales within the Village of Radisson without being registered for that purpose as provided herein.

4.02.02 DEFINITIONS.

In this ordinance:

- a. **TRANSIENT MERCHANT** means any individual who temporarily engages in the retail sale of merchandise at any place in the Village of Radisson and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, “sale of merchandise” includes a sale in which the personal services rendered upon or in connection with the merchandise constitute the greatest part of value for the price received.
- b. **CHARITABLE ORGANIZATION** shall include any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other charitable person, partnership, association or corporation, or one purporting to be such.
- c. **CLERK-TREASURER** shall mean the Village of Radisson Clerk-Treasurer, and/or such other person designated by the Village Board.

4.02.03 EXEMPTIONS.

The following shall be exempt from all provisions of this Chapter:

- a. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes or any sales conducted by school children.
- b. Any person selling agricultural products which the person has grown unless such sales are made door-to-door.
- c. 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.
- d. Any employee, officer or agent of a charitable organization who engages in transient sales for or on behalf of the organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under Wis. Stat. § 202.12 and proof from the charitable organization that the individual is authorized to conduct sales or solicitations on its behalf, specifying whether sales or solicitations, or both are authorized. Any charitable organization not registered Wis. Stat. § 202.12, or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- e. Any individual engaged in proselytizing, canvassing or pamphleteering regarding political or religious views and not selling any merchandise or soliciting any funds or services.
- f. Any group or individual selling merchandise for the primary purpose of raising funds for a public or private school engaged in the education of children from kindergarten through high school or any extracurricular group affiliated with such a school.
- g. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
- h. Any person participating in an organized multi-person bazaar or flea market.

4.02.04 REGISTRATION.

- a. Applicants; form. Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 1. Name, 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 direct seller represents or is employed by, or whose merchandise is 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 goods offered, and any services offered;
6. Proposed method of delivery of goods, if applicable;
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his or her business;
8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business;
9. Place where applicant can be contacted for at least 7 days after leaving this Village; and
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 5 years; the nature of the offense and the place of conviction.

b. Applicants shall present to the Clerk-Treasurer for examination:

1. A driver's license or some other proof of identity as may be reasonably required;
2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
3. Wisconsin State Seller's Permit (if applicable; and
4. 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; the certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

c. License registration fee.

At the time registration is returned, a \$20 registration fee shall be paid to the Clerk/Treasurer to cover the cost of processing the registration. Upon payment of said fee and background check completed, said permit shall be valid from date of issuance to December 31st of the year the permit is issued.

4.02.05 INVESTIGATION.

- a. The Clerk-Treasurer shall refuse to register the applicant 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 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 transient selling; or the applicant failed to comply with any applicable provision of 4.02.04 above.

4.02.06 APPEAL.

Any person refused or denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board, or, if none has been adopted, under the provisions of Wis. Stat. §§ 68.07 through 68.16.

4.02.07 REGULATION OF TRANSIENT MERCHANTS.

a. PROHIBITED PRACTICES.

1. A permanent/transient merchant shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling 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 remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
2. A permanent/transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents.
3. No permanent/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.
4. No permanent/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 (100) foot radius of the source.
5. No permanent/transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
6. No permanent/transient merchant shall state or imply that the fact of registration by a charitable organization with the State of Wisconsin, or the issuance by the Village of a permit for sales under this section, constitutes an endorsement or approval by the state or the Village.

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 his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

2. If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedures as set forth in Wis. Stat. § 423.203. 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 Wis. Stat. § 423.203. If the transient merchant takes a sales order for the later delivery of merchandise, he/she 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.

4.02.08 RECORDS.

The Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

4.02.09 REVOCATION OF REGISTRATION.

- a. Registration may be revoked by the Village Board, 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 Chapter; 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 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.

4.02.10 PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50.00 nor more than \$250.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Village Board may seek injunctive relief from a court of record to enjoin further violations.

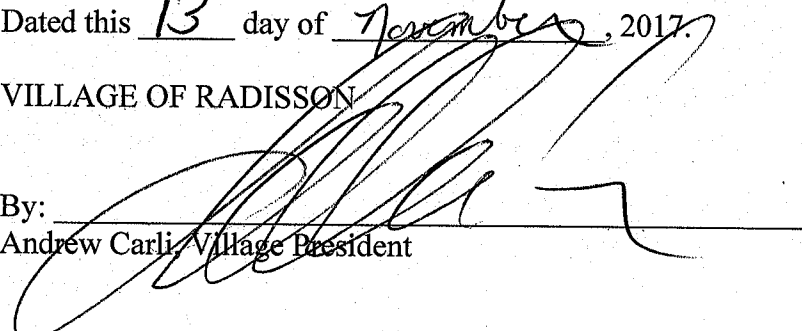
4.02.11 SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.”

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Dated this 13th day of November, 2017.

VILLAGE OF RADISSON

By: 
Andrew Carli, Village President

ATTEST:


Julie Thompson, Village Clerk

Approved: 11-13-17

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