

Village of Almena, WI
Tuesday, July 30, 2024

Chapter 207. Peddlers, Solicitors and Transient Merchants

[HISTORY: Adopted by the Village Board of the Village of Almena as § 12.09 of the former Village Code. Amendments noted where applicable.]

§ 207-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CANVASSER or SOLICITOR

A canvasser or solicitor is a person who goes from place to place within the Village soliciting orders for the future delivery of property or for services to be performed in the future, including any person who occupies any place within the Village for the purpose of exhibiting samples and taking orders for future delivery.

PEDDLER

A person who goes from place to place within the Village offering for sale property which he/she carries with him/her, including a vendor who distributes his products to regular customers on an established route.

TRANSIENT MERCHANT

A transient merchant is a person who engages at a fixed location in the Village in the temporary business of selling property at such location. "Transient merchant" does not include a person who does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only but includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

§ 207-2. License required.

Except as provided by § **207-3**, no person shall conduct any of the activities enumerated in § **207-1** without a license therefor as provided by this section.

§ 207-3. Exemptions.

No license shall be required hereunder of the following:

- A. Persons selling personal property at wholesale to dealers in such articles.
- B. Newsboys.
- C. Children under 18 years of age who are residents of the Village.
- D. Merchants or their employees delivering goods in the regular course of business.
- E. Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.

- F. A veteran holding a special state license under § 440.51, Wis. Stats., but he/she shall comply with §§ **207-7**, **207-8** and **207-9**.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- G. Any person soliciting for charitable, religious, patriotic or philanthropic purposes if the proceeds thereof are devoted solely to the purposes of the organization.
- H. Sales required by statute or order of a court.
- I. Bona fide auction sales conducted pursuant to law.
- J. Vendors of milk, bakery goods, groceries or ice, distributing products to regular customers on established routes.

§ 207-4. Investigation fee.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

At the time of filing his application, the applicant shall pay to the Village Clerk \$50 to cover the cost of investigation of the facts stated in the application.

§ 207-5. Investigation.

The Chief of Police shall cause the applicant and the facts stated in the application to be investigated and shall, within 72 hours, return the application to the Village Clerk with his endorsement approving or disapproving the application.

§ 207-6. Sales advertised at less than value.

- A. License required. Any person not a permanent resident or dealer of the Village who sells or offers for sale goods, wares or merchandise which he/she represents or advertises are at less than real value shall pay a license fee of \$50 per day. This subsection shall not apply to sales ordered or authorized by a court of proper jurisdiction.

§ 207-7. Expiration; renewals.

All licenses issued hereunder shall expire 30 days after date of issuance. Applications for renewals shall be handled in the same manner as original applications.

§ 207-8. Bond.

- A. When required. Every applicant who is not a resident of Barron County or who represents a firm whose principal place of business is located outside of the state shall file with the Village Clerk a surety bond in the amount of \$500, approved by the Village President, conditioned that the applicant will comply with all provisions of the Village ordinances and the state laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee, and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee.
- B. Action on bond. Action on such bond may be brought by any person aggrieved.

§ 207-9. License to be used only by licensee.

No license issued under this section shall at any time be used by any person other than the one to whom it is issued.

§ 207-10. Invitation required.

No peddler, canvasser, solicitor or transient merchant shall go in or upon any private residence, business establishment or office in the Village without having been requested or invited to do so by the owner or owners, occupant or occupants of such private residence, business establishment or office for the purpose of soliciting orders for goods, wares and merchandise or peddling or hawking the same or soliciting subscriptions for magazines or other periodicals.

§ 207-11. Failure to leave private premises.

No peddler, canvasser, solicitor or transient merchant shall refuse or fail to leave any private premises in the Village upon being requested to do so by the owner, occupant or person in charge thereof.

§ 207-12. Excessive noise prohibited.

No person licensed hereunder shall in hawking his wares create any noise annoying to a person of ordinary sensibilities.

§ 207-13. Use of streets.

No licensee shall use the public streets or sidewalks for purposes of sales in such manner as to impede or inconvenience the public use of the streets or sidewalks.

§ 207-14. Display of license.

Any person licensed hereunder shall carry his license with him/her while engaged in licensed activities and shall, upon request, display such license to any officer of the Village or any person with whom he/she seeks to do business.