

ORDINANCE NO. 16
PEDDLERS, CANVASSERS, AND TRANSIENT MERCHANTS

SECTION 16-1. License Required. [Amended 5-9-2022]. No peddler, canvasser, solicitor or transient merchant, as defined in Section 16-2 of this Ordinance shall engage in any such business within the Village of Friendship without first obtaining a license in compliance with the provisions of this Section.

SECTION 16-2. Definitions. [Amended 5-9-2022]. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1) **Canvasser.** Any person who goes from house to house, place to place or street to street, taking or attempting to take orders for the sale of goods, wares or merchandise or personal service to be performed in the future. Such definition shall include any person who hires, leases, uses or occupies any building, structure, vehicle or street or alley or other place or part thereof within the Village for the primary purpose of exhibiting samples and taking orders for future delivery.
- 2) **Peddler.** A person conveying or transporting goods, wares, or merchandise who goes from house to house, place to place or street to street selling or offering for sale for immediate delivery such goods, wares or merchandise or performing or offering to perform personal service.
- 3) **Soliciting Contributions.** A person requesting, directly or indirectly, a contribution and stating or implying that the contribution will be used for a charitable purpose or benefit a charitable organization.
- 4) **Soliciting Sales.** A person selling or offering for sale goods and services where the sale or offer is either personally solicited or consummated by the seller at the residence of the buyer or at the seller's transient quarters. Persons involved in soliciting such sales shall be considered transient merchants, except for persons involved in soliciting contributions for charitable organizations.
- 5) **Transient Merchant.** A person as defined by Section 66.0423(1)(b), Wis. Stats., and also any person who engages in a temporary business of selling and delivering goods, wares and merchandise, and who hires, leases, uses or occupies any building, structure, tent, vehicle, street, alley or other place or part thereof for exhibition and sale of such goods, wares or merchandise, either privately or at a public auction, whether or not such person be associated temporarily with a local dealer, trader, merchant or auctioneer or conduct such business in the name of the same.

SECTION 16-3. Exemptions. [Amended 5-9-2022]. This section or any part thereof shall not apply to the following:

- 1) Persons selling personal property at wholesale to dealers in such merchandise;
- 2) Persons delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- 3) Acts of merchants or other employees in delivering goods in the regular course of business;

- 4) Farmers or gardeners who shall vend, sell or dispose of, or offer to sell, vend, or dispose of, the products of the farm or garden occupied and cultivated by such person;
- 5) Nothing contained in this Ordinance shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person from conducting a bona fide auction sale pursuant to law

SECTION 16-4. Application for License. [Amended 5-9-2022]. Any person desiring to solicit sales or solicit contributions shall apply to the Village Clerk/Treasurer and complete an application form provided by the Village Clerk/Treasurer. The form shall include information pertaining to the name, address, and identity of the person(s) who will be soliciting; the name, address and identity of the person or organization on whose behalf such solicitations will be made; the nature of things intended to be sold or the purpose of the contributions solicited; the identification and registration of any vehicles to be used; and the length of time of the solicitation. At the time of filing the application, a fee as set by the Village Board by resolution shall be paid to the Village Clerk/Treasurer to cover the cost of investigation of facts stated therein.

SECTION 16-5. Application Review; Issuance or Denial. [Amended 5-9-2022].

- 1) Upon receipt of each such application, the Village Clerk/Treasurer shall approve or deny the application within five business days of submittal. The Village Clerk/Treasurer may refer any application to any appropriate law enforcement agency for further investigation and recommendation. The Village Clerk/Treasurer may deny a license if the application contains a material omission or materially incorrect statement or complaints of a material nature have been received against the applicant by authorities in other jurisdictions relating to the applicant's fitness to engage in commercial or charitable solicitations.
- 2) Denial of License. In the event of license denial, the Village Clerk-Treasurer shall notify the applicant in writing, stating the reasons for denial. The notice shall indicate a time and date for review by the Village Board and the right of the applicant to appear. The Village Board shall hear any person for or against granting the license and shall render a decision to grant or deny a license.

SECTION 16-6. Fee. [Amended 5-9-2022]. Every applicant for a license under this chapter shall pay the license fee as set by the Village Board by resolution. The annual fee herein provided shall be assessed on a calendar-year basis and shall not be prorated except as follows: applications made on or after July 1 in a calendar year shall be subject to a fee of 1/2 the amount stipulated for the remainder of the year. Peddlers may employ one assistant and transient merchants may employ two assistants without payment of an additional license fee, but such persons must comply with the other provisions of this section.

SECTION 16-7. Bond. If the Sheriff determines from his investigation of the application that the interests of the Village or of inhabitants of the Village require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but due to causes beyond his control is unable to supply all of the information required by subsection 3, he may require the applicant to file with the Village Clerk/Treasurer a bond in the sum of \$500, with surety acceptable by the Village President, running to the Village, conditioned that he will fully comply with the ordinances of the Village and laws of the State relating to peddlers, canvassers or transient merchants, and guaranteeing to any citizen of the Village of Friendship doing business with him that the property

purchased will be delivered according to the representations of the applicant; provided, however, that action to recover on any such bond shall be commenced within six months after the expiration of the license of the principal.

SECTION 16-8. Expiration, Renewal, Transfer. All licenses issued hereunder shall be dated and shall specify thereon the fee paid and date of expiration. Annual licenses shall be issued on a calendar year basis, and expire December 31 of the year of issue. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this section may not be transferred.

SECTION 16-9. Regulations and Restrictions. [Amended 5-9-2022].

- 1) Consent of Owner or Occupant Required. No peddler, canvasser or transient merchant shall go in or upon any private residence, business establishment or office in the Village 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 without having been requested or invited to do so by the owner or occupant of such place.
- 2) Display of License. Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.
- 3) Misrepresentation Prohibited. No licensee shall intentionally misrepresent to any prospective customer the purpose of his visit or solicitation, nor the name or business of his principal, if any, nor the source of supply of the goods, wares or merchandise which he sells or offers for the sale, nor the disposition of the proceeds or profits of his sale.
- 4) Loud Noises and Speaking Devices. No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public place of the Village for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
- 5) Use of Streets. No licensee shall have any exclusive right to any location in the public streets or sidewalks, or public way, nor shall any licensee be permitted a stationary location thereon nor be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, sidewalk or public way. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- 6) License Not to be Used by Another. Not to be Used by Another. No license issued under this chapter shall at any time be used by any person other than the one to whom it is issued.
- 7) Hours Established. No peddler, canvasser or transient merchant, as herein defined, shall go in or upon any private residence, business establishment or office in the Village between the hours of 7:00 p.m. to 10:00 a.m.

SECTION 16-10. Suspension or Revocation of License. [Amended 5-09-2022].

- 1) Licenses issued under the provisions of this article may be revoked or suspended by the Village President for a period not to exceed five days pending hearing by the Village Board for any of the following causes:
 - a. Fraud, misrepresentation or incorrect statements contained in the application for license;

- b. Fraud, misrepresentation or incorrect statements made in the course of carrying on business as a peddler, canvasser or transient merchant;
 - c. Conviction of licensee for any crime or misdemeanor; or
 - d. Conducting the licensed business in an unlawful or disorderly manner as to constitute a breach of the peace or menace to the health, safety or general welfare of the public.
- 2) No licensee whose license has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous revocation.

SECTION 16-11. Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$1.00 and not more than \$200.00, together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense, where applicable.

SECTION 16-12. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Village Board this 9th day of May, 2022.



Antone Sindelar, Village President

ATTEST:



Linda Hogan, Village Clerk/Treasurer

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