

CHAPTER 21

CANVASSERS AND TRANSIENT MERCHANTS

21.01 DEFINITIONS.

- A. **Canvasser** or **solicitor** shall mean any person, whether a resident of the Village of Allouez or not:
- (1) Traveling from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale, a sample or representation of the subject of such sale, or whether or not he or she is collecting advance payments on such sale.
 - (2) Who, for himself or herself, or for any other person, firm, association or corporation, hired, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the Village of Allouez for the sole purpose of exhibiting samples and taking orders for future delivery.
 - (3) Traveling from place to place, from house to house, or from street to street, solicits funds or any other thing of value on behalf of any person, firm, association, corporation, group or cause, regardless of whether or not any goods, wares, personal property, services or anything of value is then delivered or is promised to be delivered at any time in the future.
- B. **Peddler** shall mean any person, whether a resident of the Village of Allouez or not, traveling from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden or truck farm products or provisions, and offering the same for sale or making sales and delivering articles to the purchaser.
- C. **Transient merchant** shall mean any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the Village or not, who engages in the sale of merchandise, meats, fish, vegetables, fruits, garden and farm products temporarily at a fixed location in the Village and who does not intend to become and does not become a permanent merchant of the Village of Allouez. For the purpose of this section, sale of merchandise shall also include a sale in which the personal services rendered upon or in connection with such merchandise constitutes the greatest part of value given for the price received.

21.02 PERMITS REQUIRED.

- A. No person, firm or corporation, except as provided in Section 21.02 B., shall engage in the business of, or act as, a canvasser, solicitor, peddler or transient merchant as defined herein within the limits of the Village of Allouez without having a valid permit therefor from the Village in compliance with the provisions of this chapter. Every person who shall act as an assistant or helper to any canvasser, solicitor, peddler or transient merchant shall not act in such capacity without having his or her own valid permit as required in this chapter.

- B. Permits are not required of the following:
 - (1) Any unpaid volunteer who is acting on behalf of any charitable, religious or non-profit group or association, as defined by and so qualified under the Internal Revenue Code.

 - (2) Any charitable, religious or non-profit group, association or corporation, as defined by and qualified under the Internal Revenue code, for the solicitation of funds, no part of which is paid either directly or indirectly to any canvasser, solicitor or any person, firm or corporation which employs any canvasser or solicitor for acquiring such funds.

- C. No person, firm or corporation shall allow or permit any other person, firm or corporation to use his, her or its permit, or shall use a permit which has been issued to another. A permit found in the possession of a person, firm, association or corporation who or which is not the person, firm, association or corporation to whom it was issued, shall establish a rebuttable presumption that:
 - (1) The person, firm, association or corporation having possession of the permit intends to act, or has acted, whichever the case may be, as a canvasser, solicitor, peddler or transient merchant within the Village without obtaining his, her, or its own permit; and/or

 - (2) The person, firm, association or corporation to whom the permit was issued has intentionally allowed and/or permitted another to use his, her or its permit to act as a canvasser, solicitor or transient merchant within the Village.

21.03 APPLICATION FOR PERMIT.

Any person desiring to secure a permit as herein described as a canvasser, solicitor, peddler, or transient merchant, shall apply therefor in writing over his signature to the Village Clerk-Treasurer on forms provided by the Village, and such applications shall state:

- A. The name, address, age, sex and Social Security number of the applicant.

- B. The name and address of the person, firm or corporation employing the applicant, and the name of the applicant's supervisor.
- C. The nature, character, and source of the foods, wares, merchandise, or services to be offered by the applicant.
- D. The personal description and photo identification of the applicant, together with the number of his Wisconsin motor vehicle operator's license, or the number and state of issuance of such motor vehicle operator's license as he may have in his possession.
- E. If the applicant owns or uses an automobile for canvassing, soliciting or peddling, a description of the vehicle together with the license number and name of state issuing the license.

21.04 FEES.

Fees for each permit issued under the provisions of this ordinance are outlined in Section 8.04, and fall into three categories:

- A. Canvassers, solicitors and peddlers, except as otherwise provided in paragraph C.
- B. Transient merchants.
- C. Canvassers or solicitors who are acting solely on behalf of any charitable, religious or non-profit group or association as defined by and so qualified under the Internal Revenue Code pay no fee, except that each such canvasser or solicitor shall pay the actual costs incurred by the Village for a background check to determine if the applicant has been convicted of a crime which is specified in Section 21.06 B.

21.05 EXPIRATION OF PERMIT.

- A. All annual permits issued under the provisions of this chapter shall expire on December 31 in the year issued; other than annual permits shall expire on the day specified in the permit.
- B. Every permittee, while exercising the privilege conveyed by said permit, shall carry the said license with him or her and shall exhibit the same on demand by an officer or peace officer of the Village, or by a prospective customer, and allow the information therein contained to be inspected and copied, and any failure to do so shall constitute a violation of this chapter.

21.055 TEMPORARY SUSPENSION OF PERMIT.

- A. Upon receipt of three (3) documented complaints from separate Village residents concerning the behavior or conduct of a person issued a permit under Chapter 21 during any licensing period, the Directed Enforcement Officer (DEO) is authorized to temporarily suspend the individual's permit. The DEO will complete an investigation of the documented complaints and within five (5) days of the suspension either make a written recommendation to the Village Board for formal action to revoke the permit, in which

event the suspension shall stay in place until the recommendation is ruled upon by the Village Board or release the temporary suspension of the permitted activity.

21.06 REVOCATION OF PERMIT.

- A. The Village Board may at any time, for a violation of this chapter, any other ordinance, or any law, revoke any permit granted under this chapter. When a permit is revoked, no refund of any unearned portion of the permit fee shall be made. Notice of such revocation and the reason or reasons therefor in writing shall be served personally upon the person named in the application or given by mailing the same to the last given address in the application, and a copy of such notice shall be filed with the Village Clerk-Treasurer.

- B. The Village Board shall revoke the permit of any person who has been convicted within the preceding 5 years of, or who while holding a permit is convicted of, one or more of the following:

<u>Crime</u>	<u>As defined by Wis. Stats.</u>
(1) Burglary	s. 943.10
(2) Robbery	s. 943.32
(3) Crime using a dangerous weapon	s. 939.63
(4) Battery	s. 940.19
(5) Mayhem	s. 940.21
(6) Committing Bodily harm	ss. 940.23, 939.22(4), 939.(14)
(7) Contributing to the Delinquency of minor	s. 947.15
(8) Enticing a small child For immoral purposes	s. 944.12
(9) Carrying a concealed weapon	s. 941.23
(10) Homicide	s. 940.06, 940.08, 940.09
(11) Murder	ss. 940.01, 940.02
(12) Fornication	s. 944.15(2)
(13) Lewd & lascivious behavior	s. 944.20
(14) Theft	s. 943.20
(15) Sexual assault	s. 940.225
(16) Injury by conduct regardless Of life	s. 940.23
(17) Injury by intoxicated use Of a vehicle	s. 940.25
(18) Kidnapping	s. 940.31
(19) Abduction	s. 940.32
(20) Manufacture, distribution Or delivery of a controlled Substance	ss. 161.41, 161.42, 161.43, 161.46
(21) An attempt to commit any of The foregoing crimes	
(22) A conspiracy to commit any Of the foregoing crimes	

21.07 DENIAL OF PERMIT.

- A. The Village Board may deny issuance of a permit if:

- (1) The applicant shall misrepresent the nature, character, or identity of a business.
- (2) The nature of the business as proposed would, in the opinion of the Village Board, violate this chapter or any other state or local ordinance or law.
- (3) The applicant shall not truthfully and completely state the information requested in the application for Permit and/or by this Ordinance.

B. The Village Board shall deny the issuance of a permit to any applicant who has been convicted of a crime which would be the basis for revocation of the permit under Section 21.06 B. above.

21.08 PENALTY.

Any person violating the provisions of this chapter, shall upon conviction thereof, be subject to the penalty provided by Section 1.05 of this Code. A separate offense shall be deemed committed on each day on which a violation of this Chapter occurs or continues.

21.09 SEPARABILITY OF PROVISIONS.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be illegal, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance; and the Village Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof if such illegal, invalid or unconstitutional section, subsection, sentence, clause or phrase had not been included herein.