Allouez Village Hall • 1900 Libal Street • Green Bay, WI 54301-2453 • (920) 448-2800 • Fax (920) 448-2850

TRANSIENT MERCHANT PERMIT APPLICATION

Name of Applicant: _____ Phone #: (____) _____
Last First Middle

Address of Applicant: _____
Street City State Zip

Email Address: _____

Name & Address of Employer: _____

Supervisor Name & Phone: _____ Driver's License #: _____

Type of merchandise or service offered: _____

Source of merchandise or service offered: _____

Description of Vehicle(s) & license number(s): _____

When will business be conducted? (Dates) From:_____ To: _____
FEES: $50.00/month $75.00/year

Have you ever been convicted of any felony, misdemeanor, or ordinance violation (other than minor traffic violations) in the last five years? If yes, list dates and convictions:

_____

_____

_____

READ CAREFULLY BEFORE SIGNING. The undersigned, being duly sworn, states that each of the above questions has been truthfully answered to the best of my knowledge. I understand that any activity engaged in is limited to the time, date, location and inventory representations made on this application.

In signing this application, the applicant agrees to all provisions of the Village of Allouez Municipal Code, Chapter 188 and Wisconsin's Direct Marketing Laws. (copy attached)

Signature of Applicant: _____ Date: _____

OFFICE USE ONLY
Receipt #: _____
Date: _____
Copy of ID:_____
Record Check: _____

Please present the following to the Office of the Clerk-Treasurer along with application:

_____ Application fee as applicable: $50 (month) $75 (year) R#:_____

_____ Brown County Health Department Certificate (if your business involves the handling of food and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date of the application.)

_____ Certificate of Insurance of $1,000,000 insuring the individual Mobile Food Establishment vendor and/or their company and naming the Village of Allouez as an additional insured. The Certificate of Insurance must list the Village of Allouez as an Additional Insured.

_____ Proof of exempt status if Charitable/Exempt Mobile Food Establishment under Wis. Stats Ch. 440.42 (if applicable)

_____ Signed permission from commercial property owner allowing the Mobile Food Establishment to conduct business on their property.

_____ State Certificate of Examination from the Sealer of Weights and Measures, if applicable

_____ State of Wisconsin Sellers Permit

_____ Valid form of government-issued identification bearing the applicant's photo

Chapter 188. Canvassers and Transient Merchants

§ 188-1. Definitions.

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

CANVASSER or SOLICITOR

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. It includes 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 or she carries with him or her.

TRANSIENT MERCHANT

A person, firm, association, or corporation engaging temporarily in a retail sale of goods, wares, or merchandise in any place in this state and who, for the purpose of conducting business, occupies any lot, building, room, or structure of any kind within the Village.

§ 188-2. Registration; permit required.

A. It shall be unlawful for any person to engage in direct sales or solicitation within the Village as a canvasser, solicitor, peddler or transient merchant without first being registered with the Village. Village Board approval is required for transient merchant vending in Village parks. (Vendors with a tax-exempt number shall be exempt from the fee.) Canvassing, soliciting or peddling is not allowed in any Village park.

B. Permit required. No person, firm, association or corporation, except as provided in Subsection **C**, 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 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.

C. A permit is not required of anyone acting on behalf of any charitable, religious or nonprofit 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 the person soliciting the funds or any person, firm or corporation which employs the person for acquiring such funds.

§ 188-3. Application for permit.

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

A. The name, previous names or aliases, address, temporary address if any, DOB and phone number of the applicant;

B. The name, address and phone number of the person, firm or corporation employing the applicant, and the name and phone number of the applicant's supervisor;

C. The type and source of merchandise or services offered by the applicant;

D. A copy of photo identification of the applicant and their motor vehicle license number;

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;

F. A statement as to whether the applicant has been convicted of any crime, which shall further include any ordinance violation related to the applicant's canvasser, solicitor, peddler or transient merchant business; the nature of the offense and the date and place of conviction.

§ 188-4. Fees.

Fees for each permit issued under the provisions of this chapter are outlined in Chapter **225**, Fees and Charges, and fall into three categories:

A. Canvassers, solicitors and peddlers, except as otherwise provided in Subsection **C**.

B. Transient merchants.

C. Canvassers or solicitors who are acting solely on behalf of any charitable, religious or nonprofit 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 § **188-8B**.

§ 188-5. Display of license.

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

§ 188-6. Prohibited practices.

The following practices are hereby prohibited:

A. Calling at any dwelling or other place between the hours of 8:00 p.m. and 9:00 a.m., except by appointment.

B. Calling at any dwelling or other place where a sign is clearly displayed bearing the words "No Peddlers" or "No Solicitors" or words of similar meaning.

C. Calling at the rear door of any dwelling place, unless previously arranged.

D. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

E. Misrepresenting or making false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of the visit, the identity of the caller or the identity of the organization represented.

(1) A direct seller for a charitable organization shall specifically disclose what portion of the sale price of goods or services offered will actually be used for the charitable purpose for which the organization is seeking assistance, and said portion shall be expressed as a percentage of the sale price of the goods or services.

§ 188-7. Temporary suspension of permit.

Upon receipt of three documented complaints from separate Village residents concerning the behavior or conduct of a person issued a permit under this chapter during any licensing period, or for a violation of this chapter, any other ordinance, or any law, the Directed Enforcement Officer (DEO) is authorized to temporarily suspend the individual's permit. The DEO will complete an investigation of the documented complaints or violations and, within five 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.

§ 188-8. 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 five years of, or who while holding a permit is convicted of, one or more of the following:

Crime	**As defined by Wis. Stats.**
Burglary	§ 943.10
Robbery	§ 943.32
Crime using a dangerous weapon	§ 939.63
Battery	§ 940.19
Mayhem	§ 940.21
Committing bodily harm	§§ 940.23 and 939.22(4) and (14)
Contributing to the delinquency of minor	§ 948.40
Enticing a small child for immoral purposes	§ 948.07
Carrying a concealed weapon	§ 941.23
Homicide	§§ 940.06, 940.08 and 940.09
Murder	§§ 940.01 and 940.02
Fornication	§ 944.15(2)
Lewd and lascivious behavior	§ 944.20
Theft	§ 943.20
Sexual assault	§ 940.225
Injury by conduct regardless of life	§ 940.23
Injury by intoxicated use of a vehicle	§ 940.25
Kidnapping	§ 940.31
Abduction	§ 948.30
Manufacture, distribution or delivery of a controlled substance	§§ 961.574, 961.575, 961.41, 961.42, 961.43 and 941.46
An attempt to commit any of the foregoing crimes	
A conspiracy to commit any of the foregoing crimes	

§ 188-9. Denial of permit.

The Village Board may deny issuance of a permit if:

A. The applicant misrepresents the nature, character, or identity of a business.

B. 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.

C. The applicant does not truthfully and completely state the information requested in the application for permit and/or by this chapter.

D. The applicant has been convicted of a crime which would be the basis for revocation of the permit under § **188-8B** above.

§ 188-10. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction thereof, be subject to the penalty provided by § **1-3** of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

BUREAU OF CONSUMER PROTECTION Consumer Facts

Protecting Wisconsin Consumers for 75 Years

Wisconsin's direct marketing rule

Wisconsin has a direct marketing law to protect consumers in telephone, e-mail, fax, mail, and door-to-door transactions. This includes sales made in motel and hotel rooms and other places away from the seller's place of business.

Before direct marketers say anything other than a short greeting, they must disclose who they are, who they are soliciting on behalf of, and what they are selling.

Before finalizing the sale, and taking a credit card number or taking any money, they must disclose the cost, quantity, conditions, refund policy and the name and address of the principal company.

A direct marketer cannot bill your credit card without your verifiable authorization and the marketers must keep records of transactions for at least two years.

This law also prohibits:

- Threatening, intimidating or harassing consumers.
- Failing to leave a consumer's premises upon request.
- Calling consumers who previously said they do not wish to receive telephone solicitations from that seller.
- Calling consumers before 8 a.m. or after 9 p.m. without their prior consent.
- Representing to consumers that they are conducting a survey or a contest, when they are trying to sell goods, or attempting to get information for sales prospects.
- Misrepresenting that they are affiliated with a government or third-party organization.
- Requesting or receiving payment for loan finder services before the consumer actually receives the promised loan. This is aimed at companies that promise loans, charge a fee, and disappear without producing the loan.

In addition, the law prohibits solicitors from requiring a purchase as a condition of entry into a prize promotion. The law requires solicitors to verify the retail value of prizes and disclose the odds of winning.

Three-day cooling-off period

The rule adds enforcement penalties to another Wisconsin law which provides a "cooling-off" period allowing you three business days to think about and cancel a direct marketing sale if you wish. This applies to credit transactions and cash sales of over $25 that occur away from the seller's regular place of business. The three-day right to cancel does not cover real estate, auctions, items used for agricultural purposes or insurance even if sold door to door. Your three-day right to cancel starts after the seller has provided you the proper written notice of your right to cancel.

Cancelling the contract

In a direct marketing transaction, you must be notified of your three-day right to cancel. If you do choose to cancel, send your cancellation by certified mail so you will have written proof that your cancellation notice was sent on time. Your money must be returned to you within 10 days. If the seller does not pick-up the product in 20 days, you may keep it.

Unauthorized payment

Under this rule, the direct marketer must obtain your authorization (either written or oral) before asking for or accepting payment via a credit card number or submitting a check.

Unordered goods

What about things you have received in the mail that you did not order? Under another state law, unsolicited merchandise is considered a gift and may be kept without any obligation to the sender. Do not be pressured to pay companies who make a practice of mailing unordered merchandise on a "trial basis," followed by phony invoices.

For more information or to file a complaint against a seller you believe has violated the law, visit our website or contact the Bureau of Consumer Protection.

Bureau of Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison WI 53708-8911

E-MAIL:
DATCPHotline@wi.gov

WEBSITE:
datcp.wi.gov

(800) 422-7128

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