

## CHAPTER XVIII

### PEDDLER'S LICENSE

SECTION 18.00. Peddler's License Required. No person shall engage in the business of peddler, canvasser or transient or itinerant merchant as defined herein without first obtaining a license therefor in compliance with the provisions of this section. Each peddler, canvasser, or transient or itinerant merchant must secure a personal license.

SECTION 18.10. Definitions. When used in this Chapter, the following terms shall have the following meanings:

A. "Peddler" shall include any person, whether a resident or not, who goes from house to house, or from place to place, or from street to street, conveying or transporting goods, wares, or merchandise or offering or exposing the same for sale, or making sale and delivering articles to purchasers.

B. "Canvasser" shall include any person, whether a resident or not, who goes from house to house, place to place, street to street, soliciting or taking or attempting to take orders for the sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery or for personal services to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advanced payments for such orders. Such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

C. "Transient and/or Itinerant Merchant" shall include any person, firms, or corporation, whether as owner, agent, consignee, or employee, whether a resident or not, who engages in a temporary business of selling and delivering goods, wares and merchandise and who, in the furtherance of such purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, trailer, tent, railroad box car, boat, public room in a hotel, lodging house, apartment, shop, or any street, alley, or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at a public auction, provided that such definition shall not be construed to include any person, firm, or corporation, who,

while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

SECTION 18.20. Exemptions.

18.21. The terms of this Chapter shall not be held to apply to the acts of persons selling personal property at wholesale to dealers in such articles, newsboys and newspapers, the acts of merchants or their employees in delivering goods in their regular course of business; any farmers or truck gardener who shall vend, sell, or dispose of, or offer to sell, vend, or dispose of the products of the farm or garden occupied or cultivated by him; and vendors of milk, bakery goods, or groceries distributing products on established roads.

18.22. Nothing conveyed in this Chapter shall be held to prohibit any sale required by Statute or by Order of any Court; or to prevent any person conducting a bona fide auction sale pursuant to law.

18.23. Any organization, society, association, or corporation designed to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than persons of such organization upon the streets, in an office, or business building, by house to house canvass, or in public places for a charitable, religious, veterans or associated purpose, shall be exempt from the provisions of this Chapter, provided there is filed a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

A. Name and purpose of the cause for which permit is sought.

B. Name and address of the officers and directors of the organization.

C. Period during which solicitation is to be carried on.

18.24. Veterans. Any veteran who holds a special state license issued pursuant to Wisconsin law shall be exempt from the securing of a license as provided herein, but shall be required to comply with the rules and regulations herein provided and shall be subject to the penalties for violation of the applicable portions of this Chapter.

SECTION 18.30. Application. An application accompanied by a fee of \$25.00 to cover the costs of the investigation of facts stated therein, shall be filed with the Town Clerk upon forms furnished by the Town Clerk and sworn to by the applicant setting forth the following information:

- A. Name and physical description of the applicant.
- B. Complete and permanent home and local address of the applicant and in the case of transient and/or itinerant merchant, the local address from which the proposed sale will be made.
- C. A complete description of the nature of the business and the goods to be sold.
- D. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- E. The length of time for which the right to do business is desired.
- F. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed and the method of delivery.
- G. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or forfeiture penalty assessed therefor.
- H. The last cities, villages, or towns, not to exceed three, where applicant carried on business immediately preceding day of application and the address from which such business was conducted in those municipalities.

SECTION 18.40. Issuance of License. Upon proper completion of the foregoing application, the Town Clerk shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the licensing officers, and shall show the name and address of the licensee, the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and the other identifying description of any vehicle used in such licensed business. The Town Clerk shall keep a permanent record of all licenses issued.

SECTION 18.50. Fees.

A. Every applicant for a license under this Chapter shall pay the following license fee and taxes: \$2.00 per day; \$5.00 per week; \$10.00 per month; or \$50.00 per year.

B. The annual fees herein provided shall be assessed on a calendar year basis and on or after July 1, the amount of such fee for an annual license shall be one-half the amount stipulated above for the remainder of the year.

C. None of the license fees herein provided shall be so applied so as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place undue burden upon such commerce, he may apply to the Town Board for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fees. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume of business and such other information as the Town Board may deem necessary in order to determine the extent, if any, of undue burden on such business or commerce. The Town Board shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which it shall determine whether the fees fixed by this Chapter are unfair, unreasonable, or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory, or if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Town Board shall have the power to use any method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as herein prescribed.

SECTION 18.60. Rules and Regulations.

A. License 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.

B. Exhibition of License. Licensees are required to exhibit their certificate of license at the request of any citizen.

C. Quitting Private Premises. No peddler, canvasser, or transient and/or itinerant merchant shall refuse or fail to leave any private premises in the Town upon being requested to do so by the owner, occupant, or person in charge thereof.

D. Hours. No licensee may canvas, solicit, sell, peddle, or otherwise act pursuant to a license issued hereunder between the hours of 8:00 p.m. and 9:00 a.m.

E. 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 places of the Town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

F. Use of Street. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area, where such operation might impede or inconvenience public use of such streets. For the purpose of this Chapter, the judgment of a constable exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

G. Duty of Constable. It shall be the duty of the Constable of the Town to require any person seen peddling, soliciting, or canvassing and who is not known by such Constable to be duly licensed, to produce his license, and to enforce the provisions of this Chapter against any person found to be violating the same.

H. Reapplication. No licensee whose license has been revoked shall make further application until the period of at least six months shall have elapsed since the last previous revocation.

I. Expiration of License. All annual licenses issued under the provisions of this Chapter shall expire at midnight, the 31st day of December in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.

SECTION 18.70. Revocation. Licenses issued under the provisions of this Chapter may be suspended by the Town Board for a period not to exceed ten days upon obtaining reasonable information that a license has violated any provisions of this Chapter, and the same may be revoked by the Town Board after notice of hearing, for any of the following causes:

A. Fraud, misrepresentation, or incorrect statement contained in the application for license.

B. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his business, as solicitor, can-

vasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

C. Any violation of this Chapter.

D. Conviction of any crime or misdemeanor.

E. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner, or in such a manner as to constitute an offense, or a menace to the health, safety and general welfare of the public.

Notice of the hearing for revocation of a license shall be given by the Town Clerk in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing, or shall be delivered by a police officer or constable in the same manner as a summons at least three days prior to the date set for hearing.

SECTION 18.80. Violation, Penalty. Any person, firm, partnership, corporation, or association who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00, together with the costs of prosecution, and in default of payment in the forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and the costs are paid, but not exceeding thirty days for each violation; and in addition thereto, shall forfeit any license held by virtue of the provisions hereof and shall not be entitled to another such license for a period of six months thereafter. Each day of violation of the provisions of this Chapter shall constitute a separate offense.