

Chapter 211

PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

[HISTORY: Adopted by the Village Board of the Village of Dickeyville 1-21-1975 as § 9.02 of the 1975 Code. Amendments noted where applicable.]

§ 211-1. Definitions. ¹

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

CANVASSER — Includes any person, whether a resident of the Village or not, who goes from house to house, place to place or 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 service 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 collecting advance payments on such orders. Such definition shall include any person who, for himself or herself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or other place within the Village for the primary purpose of exhibiting samples and taking orders for future delivery.

PEDDLER — Includes any person, whether a resident of the Village or not, who goes from house to house, 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 sales and delivering articles to purchasers.

TRANSIENT MERCHANT — Includes any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Village or not, who or which engages in a temporary business of selling and delivering goods, wares and merchandise within said Village and who or which, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in a hotel, lodging house, apartment, shop, or any street, alley or other place within the Village for exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who or which, 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 or auctioneer.

¹. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 211-2. License required.

No person shall engage in the business of peddler, hawker, solicitor, canvasser or transient merchant within the Village of Dickeyville without first obtaining a license from the Chief of Police in compliance with the provisions of this chapter.

§ 211-3. Exemptions.

This chapter or any part thereof shall not apply to the following: newsboys; merchants delivering goods in the regular course of business; vendors of milk, bakery goods, groceries or ice distributing products to only regular customers on established routes; farmers and truck gardeners; religious, charitable, patriotic or philanthropic organizations; persons selling property at wholesale to dealers; or persons holding a state license issued pursuant to Wisconsin Statutes, but such persons shall comply with the provisions of § 211-8C, D and E of this chapter.

§ 211-4. Application for license. [Amended 8-12-1981²]

At the time of filing application, an investigation fee of \$40 shall be paid to the Village Clerk-Treasurer to cover the cost of investigation of the facts stated in the application. The application shall be sworn to by the applicant and filed with the Chief of Police and shall contain such information as the Chief shall require for the effective enforcement of this chapter and the safeguarding of the residents of the Village from fraud, misconduct or abuse.

§ 211-5. Investigation; action on application.

Upon receipt of each such application, the Chief of Police shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse his approval or disapproval upon said application within 72 hours after it has been filed with him and shall issue or deny the license in accordance with his findings after presentation by the applicant of a receipt of the Village Clerk-Treasurer showing payment of the required fee.

§ 211-6. Bond. ³

If the Chief determines from his investigation of said 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 § 211-4, he may require the applicant to file with the Village Clerk-Treasurer a bond in the sum of \$500 with surety acceptable to the Chief of Police 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 Dickeyville doing business with him that the property purchased will be delivered

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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

§ 211-7. Expiration, renewal and transfer of license.

The Chief shall date all licenses issued hereunder 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 chapter are personal and may not be transferred.

§ 211-8. Conduct of operations.

- A. Consent required. No peddler, canvasser or transient merchant as herein defined 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 owner's occupant or occupants of said place.
- B. Display of license. Persons licensed under this chapter shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.
- C. Misrepresentation. 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 sale nor the disposition of the proceeds or profits of his sales.
- D. 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 Village 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.
- E. Use of streets. No licensee shall have any exclusive right to any location in the public streets, 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. For the purpose of this chapter, 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.

§ 211-9. Suspension or revocation of license.

Licenses issued under the provisions of this chapter may be revoked or suspended by the Village President for a period not to exceed five days pending hearing by the Village

Board for fraud, misrepresentation or incorrect statement contained in the application or made in the course of carrying on business or conviction of the licensee of any crime or misdemeanor or conducting the licensed business in an unlawful or disorderly manner or in such a manner as to menace the health, safety or general welfare of the public.

§ 211-10. Violations and penalties. [Amended 8-12-1981; 1-13-1988⁴]

The penalty for violation of any provision of this chapter shall be a penalty as provided in § 1-4 of this Code.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).