

CHAPTER XI
LICENSES AND PERMITS

11.01 TRANSIENT MERCHANTS.

(1) Definitions. In this ordinance:

(a) "Transient Merchant" means any individual who engages in the retail sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(b) "Permanent Merchant" means any person who, for at least six months prior to the consideration of the application of this ordinance to said merchant: (a) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale, or (b) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

(c) "Merchandise" shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

(d) "Charitable Organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

(e) "Clerk" shall mean the Village Clerk.

(2) Exemptions. The following shall be exempt from all provisions of this Ordinance:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(b) Any person selling merchandise at wholesale to dealers in such merchandise;

(c) Any person selling agricultural products which the person has grown;

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;

(e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person;

(f) Any person who has had or one who represents a company which has had a prior business transaction such as a prior sale or credit arrangement with the prospective customer;

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under Sec. 440.41, Stats.

Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41 Stats., or which is exempt from that Statute's registration requirements, shall be required to register under this Ordinance;

(j) Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the clerk proof that such person has leased for at least one year or purchased the premises from which he/she has conducted business in the market area for at least six months prior to the date the complaint was made;

(k) Any individual licensed by an examining board as defined in Section 15.01(7), Wisconsin Statutes.

(l) This ordinance does not apply to transient merchants while doing business at special events authorized by the Village Board.

(3) Regulation of Transient Merchants.

(a) Prohibited Practices.

1. Any transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant, or other person having authority over such premises.

2. A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization

transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

3. No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles all traffic and parking regulations shall be observed.

4. No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.

5. No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(b) Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

2. If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Sec. 423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sec. 423.203(1) (a) (b) and (c), and (2) and (3) Stats.

3. If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

4. Records. The Sheriff shall report to the Clerk all convictions for violation of this ordinance and the Clerk shall note any such violation on the record of the party convicted.

11.02 TRAILERS, TRAILER PARKS AND MOBILE HOMES.

(1) Trailer parks are prohibited in the Village of Elmwood Park.

(2) Boats in excess of eight (8') feet in length, trailers, mobile homes and motor homes as the latter two terms are defined in Wisconsin Statute 340.01 are prohibited in the Village for any

period longer than forty-eight (48) hours, unless stored within an attached accessory building as defined in Chapter 8 of these Ordinances.

(3) A temporary permit may be obtained from Village Clerk, to allow for an extension of the above 48-hour period, of (5) five days for a one-time use. The Village may use its discretion when authorizing these temporary permits to prevent abuse of the 5-day allowable window. Each temporary permit must be displayed on or inside the vehicle in question so that it is visible to the public to confirm its authenticity.

(4) The penalty for violation of this Section shall be a penalty as provided in Section 15.04 of this Code.

11.03 RETAILER'S LICENSE FEES.

(1) The annual fee for a Class "A" Retailer's License permitting the sale of fermented malt beverages for consumption away from the premises shall be the sum of \$100.00. All such licenses shall expire on June 30th of each year.

(2) The annual fee for a "Class A" Retailer's license permitting the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers shall be the sum of \$500.00. All such licenses shall expire on June 30th of each year.

Review and Approved by Board of Trustees on 8-15-2019