

APPLICATION FOR PEDDLERS, CANVASSERS & TRANSIENT MERCHANTS

FOR OFFICE USE ONLY:
DATE SUBMITTED

New Renewal Filing Fee: \$ _____

Full Name:

_____ Last _____ First _____ MI _____

Permanent Address:

_____ Street _____ City _____ State _____ Zip: _____

If Transient, Please
Include Local Address:

_____ Street _____ City _____ State _____ Zip: _____

Day Phone: _____

Night Phone: _____

Date of Birth: _____

Vehicle License #: _____

Physical Description (Height, Weight, Eye Color): _____

Type of Products to be Sold (Be Specific): _____

Does Business Require Using Weighing or Measuring Devices: YES _____ NO _____

If Yes, is the Sealer of Weights Certificate Attached: YES _____ NO _____

Person, Firm or Corporation Represented by Applicant:

Full Name:

_____ Last _____ First _____ MI _____

Address:

_____ Street _____ City _____ State _____ Zip: _____

Day Phone: _____

Night Phone: _____

Dates Business to Begin & End: _____
Begin _____ End _____

Source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof:

Where goods or products are located at time of application being filed: _____

Proposed method of delivery: _____

A Recent Photograph of the Applicant approximately 2" x 2" showing head and shoulder in a clear and distinguishing manner: SUPPLIED: YES _____ NO _____

TOWN PICTURE: YES _____ NO _____

Names of two property owners of Waukesha County, Wisconsin who will certify as to the applicant's good character and business respectability:

Full Name: _____
Last First MI

Address: _____
Street City State Zip:

Day Phone: _____ **Night Phone:** _____

Full Name: _____
Last First MI

Address: _____
Street City State Zip:

Day Phone: _____ **Night Phone:** _____

List ALL Criminal Convictions:

Type of Offense: _____

Date: _____ **Place:** _____

Last municipalities and address where applicant carried on business preceding this application:

PLACE WHERE BUSINESS IS TO BE CONDUCTED: _____

APPLICANT HAS READ AND AGREES TO ABIDE BY ALL REGULATIONS OF TOWN OF VERNON ORDINANCE #40

Signature of Applicant **Date**

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public, County of _____

My Commission Expires _____

Approved by: _____ **Date** _____

Disapproved (Reasons): _____

Chapter 249: **PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS**

[HISTORY: Adopted by the Town Board of the Town of Vernon 9-2-2004 (Ch. 23 of the Town Code). Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 206.

§ 249-1. License required.

No peddler, canvasser or transient merchant as defined in § 249-2 of this chapter shall engage in any such business within the Town of Vernon without first obtaining a license therefor in compliance with the provisions of this chapter.

§ 249-2. Definitions.

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

CANVASSER — Includes any person, whether a resident of the Town of Vernon or not, who goes from house to house, place to place or street to street soliciting or taking or attempting to take orders for 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 Town for the primary purpose of exhibiting samples and taking orders for future delivery.

PEDDLER — Includes any person, whether a resident of the Town of Vernon 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. It shall include but not be limited to vendors of milk, bakery goods, groceries or ice who distribute their products to regular customers on established routes.

TRANSIENT MERCHANT — Includes any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Town of Vernon or not, who or which engages in a temporary business of selling and delivering goods, wares and merchandise within said Town 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 Town 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.

§ 249-3. Exemptions.

The terms of this chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper delivery, nor to the acts of merchants or other employees in delivering goods in the regular course of business, nor shall the terms of this chapter be held to include or apply to any farmer or gardener who shall vend, sell or dispose of, or offer to sell, vend, or dispose of, the products of the farm or garden occupied and cultivated by such person. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person from conducting a bona fide auction sale pursuant to law.

§ 249-4. Application for license.

- A. Applicants for a license under this chapter must file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk which shall give the following information:
- (1) Full name with middle initial, date of birth and physical description of the applicant.
 - (2) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
 - (3) A brief description of the nature of the business and the goods to be sold.
 - (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - (5) The length of time for which the right to do business is desired.
 - (6) 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 proposed method of delivery.
 - (7) A recent photograph of the applicant, which picture shall be taken by the Clerk's office, laminated and worn by applicant.
 - (8) The names of at least two property owners of Waukesha County, Wisconsin, who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable the investigator to properly evaluate such character and business responsibility.
 - (9) A statement as to whether or not the applicant has 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 penalty assessed therefor.
 - (10) The last cities, villages, and towns, not fewer than three, where the applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those municipalities, or, if the applicant has carried on the business in fewer than three prior communities, any and all prior communities shall be described.
- B. At the time of filing the application, a fee as set by the Town Board by resolution shall be paid to the Town Clerk to cover the cost of investigation of facts stated therein.
- C. Whenever the business of the applicant shall require the use of weighing or measuring devices, the application shall be accompanied by a certificate from the Sealer of Weights and Measures stating that such devices have been examined and approved.
- D. All applications shall be signed and sworn by the applicants.

§ 249-5. Investigation; action by Town Board.

- A. Upon receipt of each application it shall be referred to the Town Clerk, who shall immediately institute such investigation of the applicant's business and moral character as deemed necessary for the protection of the public good and shall endorse the application in the manner prescribed in this chapter after review by the Town Board at its next regularly scheduled meeting.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Town Board shall endorse on such application its disapproval and its reasons for the same and return said application to the Town Clerk, who shall notify the applicant that his application is not approved and that no license will be issued.
- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Town Board shall endorse on the application its approval and return the application to the Town Clerk, who shall, upon payment of the prescribed license fee, inform the applicant of the date and time to pick up the approved application and to have his/her picture taken. Such license shall contain the signature of the issuing officer

and shall show the name, address and photograph of said licensee and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure his or her own personal license. No license shall be used at any time by any person other than the one to whom it is issued. The Town Clerk shall keep a permanent record of all licenses issued.

§ 249-6. Fees.

- A. Every applicant for a license under this chapter shall pay the license fee as set by the Town Board by resolution.
- B. The annual fee herein provided shall be assessed on a calendar-year basis and shall not be prorated except as follows: applications made on or after July 1 in a calendar year shall be subject to a fee of 1/2 the amount stipulated for the remainder of the year.
- C. None of the license fees provided for by this chapter shall be applied as to cause an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon such commerce, the applicant may apply to the Town Board for an adjustment to 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 fee. The applicant shall, by affidavit and supporting testimony, show the applicant's method of business and the gross volume of business and such other information as the Town Board shall deem necessary in order to determine the extent, if any, of undue burden on such commerce. The Town Clerk shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and the Town Board shall make findings of fact regarding whether or not the fee fixed by this chapter is unfair, unreasonable or discriminatory as to the 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 prescribed by Subsections A and B of this section.
Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

§ 249-7. Bond.

Every applicant who is not a resident of Waukesha County, Wisconsin, or who represents a firm whose principal place of business is located outside of the State of Wisconsin shall file with the Town Clerk a surety bond running to the Town in the amount of \$500 if the license is issued for less than six months and \$1,000 if the license is issued for six months or longer, with surety acceptable to and approved by the Town Board. The bond shall guarantee that said applicant shall comply fully with all of the provisions of the ordinances of the Town of Vernon and the statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and guaranteeing to any citizen of the Town of Vernon doing business with said solicitor that the property purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given. But the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of court in which suit is commenced, be relieved without costs of all further liability.

§ 249-8. Noise; use of sound-amplifying devices.

No licensee, nor any person on the licensee's 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, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 249-9. 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 shall any licensee 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.

§ 249-10. Standards of operation.

A licensed peddler, canvasser or transient merchant shall:

- A. Not falsely or fraudulently misrepresent any item or service offered for solicitation or sale or offer for sale any unwholesome or tainted food.
- B. Not use the license provided by the Town of Vernon after the expiration or revocation of said license.
- C. Promptly leave any private property upon oral or a written request of the occupant, including property where a "No Soliciting" or "No Trespassing" sign is posted.
- D. Not peddle at any private dwelling from 9:00 p.m. until 8:59 a.m. the following day.
- E. Keep the area occupied by the licensee in a clean and sanitary condition and, before leaving such area, remove all paper, rubbish and debris.

§ 249-11. Exhibition of license.

Licensees are required to exhibit their certificate of license at the request of any citizen and display the Town of Vernon picture identification (ID) at all times.

§ 249-12. Enforcement.

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

§ 249-13. Report of violations; records.

The Town Clerk shall report to the Town Board all convictions for violations of this chapter, and the Town Clerk shall maintain a record for each license issued and record the reports of violation therein.

§ 249-14. Revocation of license.

- A. Licenses issued under the provisions of this chapter may be revoked by the Town Board of the Town of Vernon after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation, or incorrect statement contained in the application for license.
 - (2) Fraud, misrepresentative or incorrect statement made in the course of carrying on the business as canvasser, peddler, or transient merchant.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor.
 - (5) 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 a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given by the Town Clerk in writing, setting forth specifically the grounds of 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 in the same manner as a summons at least three days prior to the date set for hearing.

§ 249-15. Appeals.

Any person aggrieved by the action of the Town Board or the Town Clerk in the denial of a license as provided in § 249-5 of this chapter or the action of the Town Board in the assessing of the fee as provided in § 249-6 of this chapter shall have the right to appeal to the Town Board of the Town of Vernon. Such appeal shall be taken by filing with the Town Clerk, within 14 days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided in § 249-14 of this chapter for notice of hearing on revocation.

§ 249-16. Reapplication.

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

§ 249-17. Expiration of license.

All annual licenses issued under the provision of this chapter shall expire at 12:00 midnight the 31st of December in the year when issued. Other than annual licenses shall expire at 12:00 midnight of the date specified in the license.

§ 249-18. Violations and penalties. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Penalties for a violation of this chapter shall be as described in Chapter 1, § 1-10 of this Code.

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Revised: February 24, 2011