

12.04 PEDDLERS, CANVASSERS, SOLICITORS, AND TRANSIENT

MERCHANTS. (1) **DEFINITIONS.** (a) Peddler. A peddler is a person who goes from place to place within the City offering for sale property which he carries with him. It includes vendors who distribute their products to regular customers on established routes.

(b) Canvasser or Solicitor. A canvasser or solicitor is a person who goes from place to place within the City 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 City for the purpose of exhibiting samples and taking orders for future delivery.

(c) Transient Merchant. A transient merchant is a person who engages at a fixed location in the City in the temporary business of selling property at such location. It does not include a person who does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer, or auctioneer.

(2) **EXEMPTIONS.** No license shall be required hereunder of the following:

(a) Persons selling personal property at wholesale to dealers in such articles.

(b) Newsboys.

(c) Children under 18 years of age who are residents of the City; except, if the activity in which they are engaged is related to the operation of a business for profit.

(d) Merchants or their employees delivering goods in the regular course of business.

(e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.

(f) A veteran holding a special State license under Section 440.82 (2), Wisconsin Statutes, but he shall comply with subsections (6), (7), and (8).

(g) Any person soliciting for charitable, religious, patriotic, or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization.

(h) Sales required by statute or order of a court.

(i) Bona fide auction sales conducted pursuant to law.

(3) **INVESTIGATION FEE.** At the time of filing this application, the applicant

shall pay to the City Clerk-Treasurer the investigation fee as provided in Section 12.01 (3) of this chapter.

(4) INVESTIGATION. The Chief of Police shall cause the applicant and the facts stated in the applicant's application to be investigated and shall, within five days, return the application to the City Clerk-Treasurer with his endorsement approving or disapproving the application.

(5) BOND. Every applicant who is not a resident of Outagamie County or who represents a firm whose principal place of business is located outside of the State, shall file with the City Clerk-Treasurer a surety bond in the amount of \$500, approved by the Mayor, conditioned that the applicant will comply with all provisions of the ordinances of the City and the State laws regulating peddlers, canvassers, solicitors, and transient merchants and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.

(6) EXCESSIVE NOISE PROHIBITED. No person licensed hereunder shall, in hawking his wares, create such noise as is annoying to a person of ordinary sensibilities.

(7) USE OF STREETS. No licensee shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(8) DISPLAY OF LICENSE. Any person licensed hereunder shall carry his license with him while engaged in licensed activities, and shall, upon request, display such license to any officer of the City or any person with whom he seeks to do business.

(9) HOURS REGULATED. No licensee shall enter upon or attempt to enter upon any private premises within the City for the purpose of conducting his business except between the hours of 9 a.m. and 8 p.m. while daylight saving time is in effect, and between the hours of 9 a.m. and 6 p.m. at all other times of the year.