

Chapter 377

PEDDLERS, CANVASSERS AND TRANSIENT RETAIL MERCHANTS

§ 377-1. Solicitors; unlawful actions.

It shall be unlawful for any peddler, canvasser or transient merchant as defined in § 377-3 of this chapter to engage in any such business within the Village of Slinger without first obtaining a license therefor in compliance with the provisions of this chapter. A peddler, canvasser or transient merchant may also be referred to generally as "solicitors" in other sections of the Code.

§ 377-2. Fee.

Fees for any applications, petitions, licenses or permits shall be as set by the Village Board of the Village of Slinger by a duly enacted resolution and may be changed from time to time.

§ 377-3. Definitions.

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

CANVASSERS — Includes any person, whether a resident of the Village of Slinger or not, who goes from house to house, place to place, or from street to street soliciting, taking or attempting to take orders for a sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery or for a 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 he is collecting advance payments on 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, boat, hotel room, apartment, shop or other place within the Village for the primary purpose of exhibiting samples and taking orders for future delivery.**[Amended 12-3-2018 by Ord. No. 11-01-2018]**

PEDDLER — Includes any person, whether a resident of the Village of Slinger or not, who goes from house to house, place to place, or street to street conveying or transporting goods, wares, merchandise, offering or exposing the same for sale, or making sales and delivering articles to purchasers. It shall not include vendors who distribute their products to regular customers on established routes.**[Amended 12-3-2018 by Ord. No. 11-01-2018]**

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

and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, or boat, public room in hotels, lodging house, apartments, shops or any street, alley or other place within the Village for the 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, 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.

§ 377-4. Exemptions.

The terms of this chapter shall not be held to include:

- A. The acts of persons selling property at wholesale to dealers in such articles; newsboys, acts of merchants, or their 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 truck gardener who shall vend, sell or dispose of, or offer to sell, vend or dispose of, the products from the farm or garden occupied and cultivated by him, to include the seasonal sale of Christmas trees. Nothing contained in this chapter shall be held to prohibit any sale required by statutes or by order of any court, or to prevent any person conducting a bona fide auction or sale pursuant to law.
- B. Any persons under the age of 18 who are residents of the Village or pupils in the Slinger School District or a private or parochial school located within the Village, and who are engaged in occasional door-to-door sales in order to raise funds for school, school-related, school-extracurricular-related, scouting-related, athletic or religious activities. **[Amended 12-3-2018 by Ord. No. 11-01-2018]**
- C. The Solicitor's fee may be waived in conjunction with special events hosted by the Village. **[Added 5-6-2019 by Ord. No. 05-01-2019]**

§ 377-5. Applications.

Applicants for a license under this chapter must file with the Village Clerk a sworn application in writing on a form to be furnished by the Village Clerk, which shall give the following information:

- A. Name and physical description of applicant;
- B. Complete permanent home and local address of the applicant and, in case of transient merchants, the local address from which proposed sales will be made;
- C. A brief description of the nature of the business 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 to be sold, or orders taken for the same sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. 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 punishment or penalty assessed therefor;
- H. The last cities or villages, not to exceed three, where applicant carried on business immediately preceding date of application, and addresses from which such business was conducted in those municipalities.

§ 377-6. Charitable organizations; exemption.

Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations, property, financial assistance of any kind, desiring to sell or distribute any item, literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the street, in office or business buildings, by house or house canvass, or in public places for a charitable, patriotic or philanthropic purpose shall not be exempt from this chapter, but shall be exempt from payment of a license fee.

§ 377-7. Investigation and issuance.

- A. Upon receipt of each application, it shall be referred to the Village Chief of Police, who shall immediately investigate applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse on such application in the manner prescribed in this section within three business days after it has been filed with the Clerk.
- B. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Village Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return said application to the Village Clerk, who shall notify the applicant that his application is disapproved and that no license will be granted.
- C. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Village Chief of Police shall endorse on the application to the Village Clerk, who shall upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name and address of said licensee, the class of license issued and the kind 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 other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it was issued.¹

§ 377-8. 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.

§ 377-9. Use of streets.

No licensee shall have any exclusive right to any location in the public street, 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 the public use of such streets. For the purpose of this chapter, the judgment of the police department, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

§ 377-10. Exhibition of license.

Licensees are required to exhibit their certificates of license at the request of any citizen.

§ 377-11. Duty of police to enforce.

It shall be the duty of the police of the Village of Slinger to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this chapter against any person found to be in violation of the same.

§ 377-12. Records.²

The Chief of Police shall report to the Village Clerk all convictions for violation of this chapter and the Village Clerk shall maintain a record for each license issued.

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

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

§ 377-13. Revocation of license.

Licenses issued under the provisions of this chapter may be revoked by the Village Clerk 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, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;
- C. Any violation of the ordinance;
- D. Conviction of any crime or misdemeanor;
- E. Conducting the business of peddler, canvasser, and transient merchant, as the case may be, in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

§ 377-14. Expiration, renewal and transfer.

All licenses referenced in the section shall be issued for a period of one month (30 days) from the date of issue. All licenses referenced herein are renewable upon expiration for a maximum of two times, not to exceed a total including the initial application of three licenses in one calendar year, provided no justifiable complaint has been filed against the licensee. The Village Clerk is empowered to revoke the license at any time, for just cause, resulting in the forfeiture of fees paid. All licenses granted under this section are nontransferable.

§ 377-15. Appeal.

Any person aggrieved by the action of the Chief of Police or the Village Clerk in the denial of a license as provided in this chapter shall have the right to appeal to the Village Board of the Village of Slinger. Such appeal shall be filed with the Village Board within 14 days after notice of the action complained of with a written statement setting forth fully the grounds for the written appeal. The Village Board shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the appellant.