

Section 2.20 TRANSIENT MERCHANTS. (1) Compliance Required. It shall be unlawful for any person to act as a transient merchant within the Village of River hills without complying with all of the term and provisions of this ordinance and obtaining a Registration Identification.

(2) Definitions. "Transient Merchant" shall mean and include any individual, whether principal, agent or employee, who engages, does, or transacts any transient business in the Village by going in and upon private residences in the Village for the purpose of selling or soliciting orders for the sale of goods, wares, merchandise or services.

(3) Registration Required. [a] Applicants for registration must complete and return to the Clerk, at least seven (7) days before the first sales efforts are to be made, a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any.
2. Date of birth, height, weight, color of hair and eyes.
3. Name, address and telephone number of the person, firm, association, or corporation that the applicant represents or is employed by, or whose merchandise is being sold.
4. Nature of business to be conducted and a brief description of the goods or services offered.
5. Proposed method of delivery of goods, if applicable.
6. Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business.
7. Last cities, villages, towns, not to exceed three, where applicant conducted similar business.
8. Statement as to whether applicant has been convicted of any crime or ordinance violation; the nature of the offense and place of conviction.

[b] Applicants shall present to the Clerk for

examination:

1. A driver's license or some other proof of identity as may be reasonably required.

[c] At the time the registration is filed with the clerk, a fee of Twenty-Five (\$25.00) Dollars shall be paid to the Clerk to cover the cost of processing said registration. Upon payment of said fee, submission of a properly completed and signed registration application, and the receipt of a clear report from the Chief of Police or his designee, the Clerk shall register the applicant as a transient merchant, date the entry, and issue a Registration Identification to the applicant. Said Registration Identification shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided below. Complete registration and fee shall be required of each individual, whether principal, agent, or employee who transacts any transient merchants business in the Village.

[d] Exemptions. The following shall be exempt from the registration requirements of this ordinance.

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

2. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requests a home visit by said person.

3. Any person who has had, or one who represents a company which has had a prior business transaction within the past twelve (12) months, such as a prior sale or credit arrangement with all of the prospective customers to be contacted.

[e] Investigation. Upon receipt of each application, the Clerk shall refer it immediately to the Chief of Police who shall make an investigation of the statements made in such registration, and report the results of his investigation to the Village Clerk within seven (7) days.

[f] Denial or Revocation of Registration. The Clerk shall refuse to register the applicant or shall subsequently revoke registration if it is determined that: the application contains any material omission or materially inaccurate

statement; complaints of a material nature having been received against the applicant by authorities in the last cities, villages or towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation, the nature of which is directly related to the applicant's fitness to engage in direct selling; the applicant failed to comply with any applicable provisions of this ordinance; or the Village receives information (whether prior or subsequent to the approval of the application) which would constitute grounds for revocation pursuant to this subsection.

[g] Appeal. Any person denied registration or whose registration is revoked may appeal the denial to the Village Board.

(4) Conduct of Transient Merchants. [a] A Transient merchant, whether exempt from registration or not, shall not:

1. Misrepresent the quantity, character or quality of any goods, wares, merchandise or services offered for sale.

2. Enter or remain upon any land or building of another after having been notified by the owner or occupant not to enter or remain on the premises. A person has received notice from the owner or occupant within the meaning of this section if he or she has been notified personally either orally or in writing, or if the land is posted. For land to be posted, a sign of at least 11 inches square must be placed in at least 2 conspicuous places. The sign shall bear the words "No Trespassing" or words of similar meaning prohibiting unauthorized entry.

3. Use any noise-making devices or amplifier to attract attention to the person of, or the goods, wares, merchandise or services offered for sale by the transient merchant

if the noise produced is capable of being plainly heard outside of a two hundred (200) foot radius of the source.

4. Engage in any business activity or solicitation except between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday. Business activity or solicitation may take place at any hour and on any day by specific appointment with the owner or occupant of the premises; the burden of

proving the existence of a specific appointment being upon the individual performing the activity.

[b] Disclosure Requirements:

1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell, and produce for inspection the permit by the Village.

(5) Severability. If any of the provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

(6) Penalty. Any person found guilty of a violation of this ordinance shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred Dollars together with the costs of the action; and in default of payment thereof, shall be subject to imprisonment in the County Jail or House of Correction of Milwaukee County until such forfeiture and costs, together with any subsequent costs have been paid, but in any event, not to exceed thirty (30) days.