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ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the village administrator or any authorized deputy of such administrator.

Charitable organization includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Commercial handbill includes any printed or written advertising matter or any other sample, device, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet or other printed matter or literature which relates solely to the economic interests of the speaker and its audience.

Direct seller means any individual who, for himself or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

Goods includes personal property of any kind and shall include goods provided incidental to services offered or sold.

Noncommercial handbill includes any sample, device, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet or other printed matter or literature which relates in some degree to something other than the economic interests of the speaker or its audience.

Permanent merchant means a direct seller who, for at least one year prior to the consideration of the application of this provision to such merchant has continuously operated an established place of business in the village and resided in the village and now does business from his residence.

Solicitor means any employee, officer or agent of a registered charitable organization who engages in direct sales or solicitation of funds for or on behalf of such a charitable organization, provided that there is submitted to the administrator proof that such charitable organization has authorized solicitation by the solicitor.

(Prior Code, § 12.12)

Secs. 8-2—8-20. Reserved.

ARTICLE II. LICENSES, PERMITS AND REGISTRATIONS

Sec. 8-21. Required.

- (a) *Licenses and permits.* No person shall engage in any trade, profession, business or privilege in the village for which a license or permit from the village is required by any provision of the village ordinances or state law without first obtaining such license or permit. A violation of any state statute requiring or governing such license or permit shall be a violation of this article.
- (b) *Registration.* No solicitor for a charitable organization shall solicit within the village without first lawfully registering and subsequently maintaining registration in the village.

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(Prior Code, § 12.01)

Sec. 8-22. Application.

Applications for all licenses and permits shall be made in writing to the village administrator or designee in the absence of provision to the contrary. Each application shall state the name of the applicant; the permit or license desired; the location to be used, if any; the time covered; the fee to be paid; and such additional information as may be needed for the proper guidance of the village officials in the issuing of the permit or license.

(Prior Code, § 12.02(1))

Sec. 8-23. Forms.

Forms for all licenses, permits, and registrations, and applications thereof, shall be prepared and kept on file by the administrator.

(Prior Code, § 12.02(2))

Sec. 8-24. Fees.

In the absence of provision to the contrary, all fees and charges for licenses, permits, and registrations shall be paid in advance at the time application is made to the administrator. Fees shall be as provided in the village fee schedule.

(Prior Code, § 12.02(3))

Sec. 8-25. Investigation.

Upon the receipt of an application for a license, permit, or registration where the ordinances of the village necessitate an inspection or investigation before the issuance of such license, permit or registration, the administrator shall refer such application to the proper officer for making such investigation within 48 hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof.

(Prior Code, § 12.02(4))

Sec. 8-26. Duty to permit inspection.

Whenever inspections of the premises used for or in connection with the operation of a nonconforming business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provisions or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making such inspection at any reasonable time that admission is requested.

(Prior Code, § 12.02(5))

Sec. 8-27. Duty to provide samples for testing.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of any licensee of the village whose business is governed by such provisions to give to any authorized officer or employee of the village requesting the same, sufficient samples of such material or commodity for such analysis upon request.

(Prior Code, § 12.02(5))

Sec. 8-28. Revocation for failure to permit inspection or provide samples.

In addition to any other penalty which may be provided, the president or administrator or both may revoke the license of any licensed business in the village who having received written demand in the name of the village that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample and the licensee or person in charge of the premises refuses to permit any such officer or employee who is authorized to make such inspection to take such sample to make inspection, or take an adequate sample of the desired commodity or interferes with such officer or employee while in the performance of his duty in making such inspection.

(Prior Code, § 12.02(5))

Sec. 8-29. Issuance.

After approvals have been appropriately granted, the administrator shall issue a license or permit and shall register a solicitor except as follows:

- (1) The administrator may refuse to register a charitable solicitor applicant if it is determined, pursuant to the investigation in section 8-25, that the application contains any material omission or materially inaccurate statement; or the applicant failed to comply with any applicable provision of this article.
- (2) The village board or administrator may refuse to issue a license or permit to an applicant if it is determined, pursuant to the investigation in section 8-25, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of this article.

(Prior Code, § 12.02(6)—(8))

Sec. 8-30. Revocation.

- (a) *Licenses.* Business licenses may be revoked by the village board through the processes identified in sections 8-51 and 8-53.
- (b) *Permits.* Permits may be revoked by the village board after notice and hearing if the applicant made any material omission or materially inaccurate statement in the application; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in solicitation in the village; violated any provision of this article; or was convicted of any crime or ordinance or statutory violation which is directly related to the applicant's fitness to engage in direct selling.

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- (c) *Registrations.* Charitable solicitation registration may be revoked by the village board after notice and hearing if the applicant made any material omission or materially inaccurate statement in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in solicitation in the village; violated any provision of this article; or was convicted of any crime or ordinance or statutory violation which is directly related to the applicant's fitness to engage in direct selling or solicitation.
- (d) *Hearings.* Hearings under this article or section 8-51 or 8-53 shall take place in a timely manner. Written notice of the hearing shall be served personally on the applicant at least 72 hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

(Prior Code, § 12.03)

Sec. 8-31. Appeal.

Any person denied a license, permit, or registration may appeal to the village board by filing a written statement therewith within 14 days after the date, license, permit, or registration was refused setting forth the grounds for appeal. The village board shall set the date, time, and place of a public hearing in a timely manner and, at least 48 hours prior to the hearing, notify the applicant of the hearing date, time and place set for the hearing; such notice shall be sent to the address given by the appellant in his statement of appeal or served personally on the appellant.

(Prior Code, § 12.04)

Secs. 8-32—8-50. Reserved.

ARTICLE III. SPECIFIC BUSINESS REGULATIONS

DIVISION I. GENERALLY

Sec. 8-51. Alcohol beverages.

- (a) *Statutory provisions adopted.* The applicable provisions of Wis. Stats. ch. 125 relating to licenses for alcohol beverages, are adopted by reference and incorporated as though fully set forth in this section. A violation of any provision of Wis. Stats. ch. 125 shall constitute a violation of this section.
- (b) *Approval of license.* The village board shall approve of alcohol beverage licenses except that operator's licenses may be approved by the administrator upon an affirmative recommendation by the police chief.
- (c) *Revocation of license.* A violation of this section by an authorized agent or employee of a licensee or a permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this chapter violates any portion of this chapter or any regulation adopted pursuant thereto, any provision of Wis. Stats. ch. 125 proceedings for the revocation or suspension of said license or permit may be instituted in the manner and under the procedure established by such chapter, and the provisions therein relating to the granting of such new license shall also be applicable.
- (d) *Penalty.* Any person who himself or by his agent or employee violates any provision of this section shall upon conviction be subject to a forfeiture in the amount of the applicable penalty set forth in Wis. Stats. ch. 125 and the costs of prosecution. In default of the immediate payment of such forfeiture and the costs of prosecution for the violation of any provision of this chapter, the violator shall be committed to the county jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding 90 days. In addition to all other applicable

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penalties, any license shall be subject to revocation by the court which tried the violation or as provided by this section.

(Prior Code, § 12.05)

Sec. 8-52. Garage and rummage sales.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Personal property means any property, other than real estate, which is acquired in the course of living in or maintaining a dwelling unit.

Residentially zoned property means any property zoned as R-1, R-2, R-3, or R-4.

Rummage or garage sale means any sale of personal property conducted on any residentially zoned property within the village, irrespective of what the sale is designated as by the seller.

- (b) *Purpose; applicability.* The purpose of this section is to restrict the frequency of rummage or garage sales at a residential property. This section does not affect or impact the applicability of health ordinances, nuisance ordinances, zoning ordinances, business and licensing ordinances or any other ordinance of the village.
- (c) *Prohibited acts.* It is unlawful for any person to:
- (1) Sell items of value other than personal property at a rummage or garage sale.
 - (2) Hold or permit to be held a rummage or garage sale on more than nine calendar days, whether or not consecutive, within any calendar year.
 - (3) Hold or permit to be held a rummage or garage sale during the hours of 6:00 p.m. to 8:00 a.m. on any day.
- (d) *Exceptions.* The following activities are not subject to the restrictions of this section:
- (1) *Farm produce.* The sale of farm produce on property zoned R-1.
 - (2) *Juvenile beverage stands.* The sale of beverages or snacks by a juvenile.
 - (3) *Single article sales.* The offering for sale of not more than one article of personal property, such as the sale of a single car, boat, snowmobile, bicycle, snow blower, etc.
 - (4) *Licensed sales.* Any sale which is otherwise licensed by the village.

(Prior Code, § 16.11)

Sec. 8-53. Other businesses.

- (a) *Approval of other licenses.* The village board shall approve of other licenses, including, but not limited to:
- (1) Amusement devices.
 - (2) Jukeboxes.
 - (3) Massage establishments and technicians.
 - (4) Adult bookstores and theatres.
 - (5) Auctioneers.
 - (6) Carnivals.

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- (7) Public dances.
- (8) Tents.
- (b) *Revocation of other business licenses.* A violation of this section by an authorized agent or employee of a licensee or a permit holder shall constitute a violation by the licensee or permit holder. Whenever the holder of any license or permit under this chapter violates any portion of this chapter or any regulation adopted pursuant thereto, proceedings for the revocation or suspension of said license or permit may be instituted in the manner and under the procedure established for the granting of such new license.
- (c) *Forfeiture.* Any person who himself or by his agent or employee, violates any provision of this section shall be subject to a forfeiture pursuant to section 1-12.

(Prior Code, § 12.06)

Sec. 8-54. Auction sales.

No person shall conduct an auction sale within the village for the purpose of carrying on the sale of personal or real property of all kinds and description unless a license shall have been obtained as provided in this division.

- (1) *Application and fee.* Every person desiring to conduct an auction sale shall first make written application therefor to the village board for a license. Ample off street parking shall be provided at the place where the auction is to be held. Application for such license shall be made to the village board and after the same has been granted, payment shall be made to the administrator or designee and the license, and the administrator shall issue the license.
- (2) *Valid date.* Such license shall be valid for the specific auction and the date thereof, and each subsequent auction shall require an additional license and fee in accordance with this section.
- (3) *Exceptions.* This section shall not apply to a resident of the village who desires to conduct an auction to sell used personal property from his own residence.

(Prior Code, § 12.10)

Sec. 8-55. Handbill distribution.

- (a) *Littering.* It shall be unlawful for any person either directly or indirectly to deposit, place, throw, scatter or cast any commercial handbill in or on any public thoroughfare, park, ground or other public place within the village so as to create a litter problem. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any commercial handbill to any person willing to accept such handbill, nor shall they be deemed to prohibit the distribution of any noncommercial handbill in any orderly manner.
- (b) *Distribution on vehicles.* It shall be unlawful for any person either directly or indirectly to deposit, place, throw, scatter or cast any commercial handbill in or upon any automobile or other vehicle so as to create a litter problem. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any commercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept such handbill, nor shall they be deemed to prohibit the distribution of any noncommercial handbill in any orderly manner.
- (c) *Distribution on private property.* It shall be unlawful for any person, either directly or indirectly, to deposit, place, throw, scatter or cast any commercial handbill in or upon any private yard, grounds, walk, porch, steps, mailbox, vestibule, house, residence, building or any other private property when there is already in or upon such property any commercial or noncommercial handbill or any other newspaper, paper or anything else which would indicate to the person distributing the commercial

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handbill that the property is presently unoccupied. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any commercial handbill to the owner or other occupant of said premises who is willing to accept such handbill, nor shall they be deemed to prohibit the distribution of any noncommercial handbill in any orderly manner.

- (d) *Hours of distribution.* It shall be unlawful for any person to distribute any handbill between dusk of any day and 9:00 a.m. of the following day.
- (e) *Exemptions.* The provisions of this article shall not be deemed to apply to messenger service or to the distribution of United States mail or telegrams, nor to the delivery of any handbill to any person who has requested delivery of the same, nor to the distribution of campaign material for candidates running for public office.
- (f) *Methods of distribution.* No person shall distribute handbills in such a manner as to impede the free flow of traffic upon any street, nor shall any such person molest or annoy any individual, group or gathering.
- (g) *Improper posting.* It shall be unlawful to tack, nail, paste, paint or otherwise affix any handbill upon any public property, including any bridge, fence, building, monument, pole or post. Handbills may be affixed upon private property, buildings or billboards if the consent of the owner shall have first been obtained and if the same is not otherwise prohibited by the ordinances of the village. The provisions of this section shall not prohibit lawfully posted legal notices.

(Prior Code, § 12.11)

Secs. 8-56—8-83. Reserved.

DIVISION 2. CHARITABLE SOLICITORS AND DIRECT SELLERS

Sec. 8-84. Solicitor registration.

- (a) *Generally.* No solicitor shall engage in solicitation of charitable donations or direct sales within the village without being registered for that purpose as provided herein.
- (b) *Charitable organizations.* Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization shall be registered, provided that there is submitted to the administrator proof that such charitable organization is registered under Wis. Stats. § 440.41(6)(a). In addition, any charitable organization not registered under Wis. Stats. § 440.41 or which is exempt from that statute's registration requirements shall be required to register under this chapter.
- (c) *Form.* Applicants for registration shall complete and return to the administrator an official registration form which shall include the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any.
 - (2) Age, height, weight, color of hair and eyes.
 - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
 - (4) Temporary address and telephone number from which business will be conducted, if any.
 - (5) Nature of business to be conducted and a brief description of the goods and any services offered.
 - (6) Proposed method of delivery of goods, if applicable.

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- (7) Name, model and license number of any vehicle to be used by applicant in the conduct of his business.
- (8) Last cities, villages, towns, not to exceed three, where applicant conducted similar business.
- (9) Place where applicant can be contacted for at least seven days after leaving this village.
- (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to the applicant's suitability to solicit charitable donations, sell goods, and/or sell services within the last five years, the nature of the offense, and the place of conviction.
- (11) Applicants shall present to the administrator for examination:
 - a. A driver's license or some other proof of identity as may be reasonably required.
 - b. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities.
 - c. A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.
- (d) *Fees.* At the time the registration is returned, the fee prescribed shall be paid to the administrator to cover the cost of processing such registration. Such fee may be waived by the administrator and the police chief where they deem no investigation is necessary.
- (e) *Issuance.* Upon payment of such fee and the signing of such statement, the administrator shall register the applicant as a direct seller or solicitor and date the entry.
- (f) *Term.* Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal or revocation as provided in this article.

(Prior Code, § 12.07)

Sec. 8-85. Direct seller permits.

No direct seller shall engage in door to door sales within the village without a valid permit except:

- (1) Any person delivering newspapers, home heating fuel or food to regular customers on established routes.
- (2) Any person selling goods at wholesale to dealers in such goods.
- (3) Any person selling agricultural products which such person has grown.
- (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this village and who delivers such goods in their regular course of business.
- (5) 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 requested a home visit by, such person.
- (6) 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.
- (7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- (8) Any person holding a sale required by statute or order of any court and any person conducting a bona fide auction sale pursuant to law.

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- (9) Any person who claims to be a permanent merchant, but against whom complaint has been made to the administrator that such person is a transient merchant; provided that there is submitted to the administrator proof that such person has leased, for at least one year, or purchased the premises from which he is conducting business, or proof that such person has conducted such business in this village for at least one year prior to the date complaint was made.

(Prior Code, § 12.08)

Sec. 8-86. Business practice regulations for solicitors and direct sellers.

- (a) *Time and place restrictions.* No direct seller or solicitor shall call at any dwelling or other place between the hours of one-half hour past sunset and 9:00 a.m. except by appointment, on Sundays and legal holidays, where a sign is displayed bearing the words "no peddlers," "no solicitors," or words of similar meaning, at the rear door of any dwelling place.
- (b) *Remaining on premises when asked to leave.* No direct seller or solicitor shall remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (c) *False, deceptive or misleading statements.* A direct seller or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale; the purpose of his visit; or his identity or the identity of the organization he represents.
- (d) *Disclosure of portion of sales price used for charitable purposes.* A direct seller representing a charitable organization shall specifically disclose what portion of the sale price of goods or services being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods or services.
- (e) *Obstruction of pedestrian and vehicular traffic; obedience to traffic regulations.* No direct seller or solicitor shall impede the free use of streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (f) *Disturbing noises.* No direct seller or solicitor shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard.
- (g) *Littering.* No direct seller or solicitor shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.
- (h) *Disclosure.* Solicitors and direct sellers shall disclose the following information in the manner specified:
- (1) After the initial greeting, and before any other statement is made to a prospective customer, a direct seller or solicitor shall expressly disclose his name; the name of the company or organization he is affiliated with, if any; and the identity of goods or services he offers to sell or the use of charitable funds solicited.
 - (2) If any sale of goods or services is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel such 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 Wis. Stats. § 423.203.
 - (3) If the direct seller takes a sales order for the later delivery of goods or services, he 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.
- (i) *Records.* The police chief shall report to the administrator all convictions for violation of this provision and the administrator shall note any such violation on the record of the registrant.

(Prior Code, § 12.09)