

**STATE OF WISCONSIN  
MILWAUKEE COUNTY  
VILLAGE OF WHITEFISH BAY**

**ORDINANCE NO. 1912**

**An Ordinance to Repeal and Recreate Article III of Chapter 15 of the Municipal Code Regarding  
Transient Merchants and Solicitors**

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: Chapter 15, Article III of the Municipal Code is hereby repealed and recreated to read as follows:

**Chapter 15. Licenses and permits**

**Article III. Transient Merchants and Solicitors**

**SOLICITOR**

Those who solicit money or items for donation (other than panhandling for one's personal sustenance) in person by being present at a business or residence of the person from whom the money or donations is requested.

**TRANSIENT MERCHANT**

Any peddler, canvasser, solicitor, whether principal, agent or employee, who engages in, does or transacts any temporary or transient business in this Village, either in one location or by moving his place of business from place to place in the Village selling goods, wares, services or merchandise or solicits for such trade, and whether or not for the purpose of carrying on such business such individual hires, leases, occupies, or uses a building, structure, vacant lot, railroad car or other vehicle for the exhibition or sale of such goods, wares and merchandise.

**§ 15-10. Exceptions.**

A. This article shall not be held to prohibit any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law.

B. This article shall not be held to include the acts of persons solely engaged in acts of political or religious speech or the free exercise of religion to the extent such acts are protected under the Wisconsin and United States Constitutions.

C. This article, including, but not limited to its permitting and registration provisions, does not apply to residents under the age of 21 conducting door-to-door sales or solicitations on behalf of a charitable or nonprofit educational organization, including but not limited to the Boy Scouts of America, Girl Scouts of America, public and private schools, UNICEF and youth athletic leagues and associations.

§ 15-11. Permits and registration required.

A. Permits. It shall be unlawful for any transient merchant to vend, sell or dispose of, or to offer to vend, sell or dispose of goods, wares, merchandise, produce or services or any other thing at any place whatsoever within the Village of Whitefish Bay without first obtaining a permit as set forth herein.

B. Registration. It shall be unlawful for any solicitor to solicit money or items for donation in person by being present at a business or residence without first registering as set forth herein.

C. § 15-12. Application and permit.

A. Application for permit. Transient merchants and solicitors shall obtain a permit application/registration form from the Village Clerk-Treasurer. The transient merchant or solicitor shall fill out this application/registration form, stating the nature of and the place where business is to be carried on, the length of time for which a permit or registration is desired, a general description of the things intended to be solicited, sold, disposed of or contracted for, the name, date of birth and permanent address of all the persons to be covered by such permit, the name and address of the applicant/registrant, and the place or places of residence of the applicant/registrant for the two years previous. No permit shall be granted until all of the provisions of Subsection B of this section, as well as any county, state or federal laws or regulations have been complied with. Whenever the business of the applicant shall require the use of weighing or measuring devices, a certificate shall accompany the application from the scaler of weights and measures stating that said devices have been examined and approved.

(1) Application and registration. At the time of filing application or registration, a permit fee and an investigation fee in the amount of \$30.00 per-business and \$20 for each person to be covered by permit or otherwise registered shall be paid to the Village Clerk-Treasurer to cover the cost of investigation of the facts stated in the application or registration. The application or registrations shall be sworn to by the applicant and filed with the Chief of Police and shall contain such additional information as the Chief shall require for the effective enforcement of this article and the safeguarding of the residents of the Village from fraud, misconduct or abuse. Religious, charitable, political, patriotic or philanthropic agencies or their agents shall not be required to submit an application or pay an application or registration fee if they are engaged purely in activities which are exempt from this article.

B. Investigation. Upon receipt of each such application or registration, the Chief of Police shall institute such investigation of applicant's business and moral character as he or she deems necessary for the protection of the public good and shall approve or disapprove applications within 72 hours after such application was filed, and shall issue or deny a permit in accordance with his or her findings after presentation by the applicant of a receipt from the Village Clerk-Treasurer showing payment of the required fee.

C. Bond. If the Chief of Police determines from his or her investigation of said application that the interests of the Village or of inhabitants of the Village require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but due to causes beyond his or her control is unable to supply all of the information required, he may require the applicant to post a cash deposit or file with the Village Clerk-Treasurer a bond in an amount up to \$1,000 with surety running with the Village, conditioned that the permittee willfully comply with the ordinances of the Village and laws of the state relating to peddlers, canvassers or transient merchants and guaranteeing to any citizen of the Village of Whitefish Bay doing business with the permittee that the property purchased will be delivered according

to the representations of the applicant, provided that action to recover on any such bond shall be commenced within six months after the expiration of the license of the principal.

D. Issuance. All permits shall be numbered in the order in which they are issued and shall state clearly the place where the business may be carried on, the purpose of the solicitations, the kind of goods, wares, merchandise or services to be sold, disposed of or contracted for, the dates of issuance and expiration of permit, the fee paid and the name and address of the licensee and all employees covered by said permit, and the date of revocation of permit. Such permit shall automatically expire on January 1 following the date of issuance of such permit. No permit shall be granted to a person under 18 years of age, and no applicant to whom a license has been refused or who has had a permit which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless the person can show that the reason for such rejection revocation no longer exists. Every transient merchant or solicitor, while exercising his permit or registration, shall post the permit or registration information in a conspicuous place on the premises or person and shall exhibit the same upon demand of any officer, or a customer or prospective vendee. A permit or registration shall not be assignable and any holder of such permit or registration who allows it to be used by any other person shall be guilty of a violation of this article. Whenever a permit shall be lost or destroyed, a duplicate in lieu thereof under the original application may be issued by the Clerk-Treasurer upon filing with him or her by the permit holder of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery, and upon the payment of a fee as set from time to time by the Village Board.

#### § 15-13. Mutilation of permit.

On the expiration of the permit, the holder shall surrender the same to the Chief of Police. It shall be unlawful for any person to alter or change in any manner any permit issued under the provisions of this article, and such alteration or the failure of the holder of same to display the permit in a conspicuous place on the premises or person or to exhibit the same upon demand of any officer or customer or prospective vendee shall be cause for revocation of such permit.

#### § 15-14. Revocation.

The Chief of Police or designee, may at any time for a violation of this or any other ordinance or any law, revoke any permit issued under these provisions. When a permit shall be revoked, no refund of any unearned portion of the permit fee shall be made. Notice of such revocation and the reason or reasons therefor in writing shall be immediately served personally upon the person named in the application or by mailing the same to the permit holder at the named premises, and by filing a copy of such notice with the Village Clerk-Treasurer. Appeal from revocation shall be made to the Village Manager or designee within 5 business days of date of revocation. Appeal from the decision of the Village Manager or designee shall be made to the Village Board of Appeals within 5 business days of the decision.

#### § 15-15. Prepayments.

All orders taken by a permit holder under this article who accepts or receives payment or deposit of money in advance of final delivery shall be in writing in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid.

§ 15-16. Health Officer's certificate.

No individual shall carry on any business under this article involving the handling or sale of foodstuffs, without first securing from the Health Officer a certificate stating that he or she is apparently free from any contagious or infectious disease and agreeing in writing to submit to a further physical examination upon the request of the Health Officer.

§ 15-17. General prohibitions; exemptions.

No person shall do any of the following upon visiting any business or residence in the Village:

- A. Falsely or fraudulently misrepresent the quantity, character or quality of any article or service offered for sale, or offer for sale any unwholesome or tainted food or foodstuffs, nor shall intentionally misrepresent to any prospective customer the purpose of his or her visit, nor the name of the business of his or her principal, if any, nor the source of supply of the goods, wares, merchandise or services which he or she sells or offers for sale, nor the disposition of the proceeds or profits of his or her sales.
- B. Keep any facilities or premises in an unclean or unsanitary condition or foodstuffs offered for sale uncovered and or unprotected from pathogens, dirt, dust and insects.
- C. Engage in door-to-door selling of goods, wares, merchandise, services, or soliciting other than between the hours of 9:00 a.m. to 9:00 p.m.
- D. Call on any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors," or words of a similar meaning.
- E. Call at the rear door of any dwelling place; or remain on premises after being asked to leave by the owner, occupant, or any other person having authority over such premises.
- F. Use any permit provided by the Village after the expiration or revocation of the permit.
- G. Knowingly provide false information in the submission of any application or registration under this article.
- H. Trespass on residential property that has been listed on the "do not solicit for commercial sales registry (do not solicit registry)" by the owner or person in possession of that property as a property on which transient merchants may not enter for purposes of engaging in commercial speech of any kind. The do not solicit registry shall be maintained by the village and provided to all transient merchants and solicitors who which to determine whether they have consent to visit certain private residences and other properties for purposes of engaging in commercial speech. It shall be maintained on the Village Website and updated weekly.

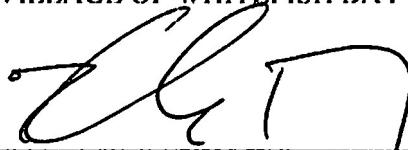
Section Two: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct, and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Four: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this 5th day of August, 2024.

VILLAGE OF WHITEFISH BAY



Kevin Buckley, Village President



Jamie Krueger, Village Clerk