

**CITY OF WEST ALLIS  
ORDINANCE O-2022-0172**

**ORDINANCE TO RESTRICT TRANSIENT MERCHANT SALES NEAR SPECIAL  
EVENT PREMISES**

**AMENDING SECTION 9.84**

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:** AMENDMENT “9.84 Transient Merchant” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.84 Transient Merchant

1. License Required. No person may conduct a business that engages in the sale of personal services or merchandise from a temporary location without first obtaining a transient merchant license.
2. Exceptions. No license is required under this section if any of the following applies:
  - a. The person is a permanent merchant who has continuously operated an established place of business in the City for at least 6 months.
  - b. The person is an auctioneer registered under [Wis. Stat. Ch. 480](#) and conducting an auction sale.
  - c. The person is a resident of this state selling produce or other perishable products at retail or wholesale.
  - d. The person is a minor operating a stand in compliance with [Wis. Stat. 66.0416](#).
  - e. The person is renting space at the Farmers Market.
  - f. The person is selling goods at wholesale to dealers in such goods.
  - g. The person is selling agricultural products which the person has grown.
  - h. The person is delivering newspapers, fuel, dairy products, bakery goods or similar goods to regular customers on established routes.
  - i. The person is engaging in a transaction initiated by the buyer specifically requesting a home visit.
  - j. The person is holding a sale required by law.
  - k. The person is any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of that organization.
  - l. The person is operating under a special statewide peddler's license under [Wis. Stat. 440.51](#).
3. Application Process. The application process in [WAMC 9.50](#) is adopted, except as modified below:
  - a. The application shall include all the following:

- i. Nature of the business to be conducted and a brief description of the goods and services offered.
    - ii. Make, model, and license plate number of any vehicle to be used by the applicant in the conduct of the business.
    - iii. Names of the last 3 municipalities in which the applicant conducted similar business.
    - iv. Proof of a retail sales tax permit if required by Wis. Stat. 77.52.
  - b. No premises description is required for this license, but the applicant shall disclose the location(s) from which the business will be conducted and the proposed dates and times instead of a premises description.
4. Regulations. Any person who engages in the sale of personal services or merchandise from a temporary location, with or without a license, shall:
  - a. Specifically disclose, upon request, what portion of the sale price of goods or services being offered will actually be used for a charitable purpose, expressed as a percentage of the sale price of the goods.
  - b. Not produce sound that is audible from 100 feet away.
  - c. Maintain the area around the person free from rubbish or litter, regardless of whether the person was the source of that rubbish or litter.
  - d. Conduct business only from property upon which the person has a legal right to occupy and that has been disclosed in the license application.
  - e. Maintain open ingress and egress to adjacent properties
  - f. Refrain from approaching any person occupying a vehicle.
  - g. Engage in displaying or selling goods or services only from the location set forth in the license, if applicable.
  - h. Conduct business only between the hours of 9 a.m. and 9 p.m., except by appointment.
  - i. Upon initially making contact with another person on that person's private property, state the licensee's name and the purpose of the solicitation.
  - j. Accurately represent the purpose of any solicitation.
  - k. Remain at least 300 feet away from the Farmers Market during the hours that the market is open for business, unless the person is otherwise authorized by the Farmers Market.
  - l. During the dates established for the Wisconsin State Fair, remain outside an area bounded by the north City limits, the east half of South 84th Street, the north half of West Greenfield Avenue and the west half of South 77th Street.
  - m. Remain at least 500 feet away from the Wisconsin State Fair grounds on the days in which the Wisconsin State Fair is occurring if the person is selling admission tickets.
  - n. When using a vehicle:
    - i. Not remain on the same block in an area zoned residential for more than 1 hour per day, unless specifically authorized through a special event or community event.
    - ii. Display the person's transient merchant license, if any, on the person's vehicle.
    - iii. Display the person's name and telephone number on the person's vehicle in lettering not less than 4 inches high.

- iv. Remain at least 300 feet from any school grounds.
- v. Remain at least 100 feet from any licensed restaurant, unless such restaurant is owned by the person or the person has written permission from the restaurant license's owner or agent.

o. Remain at least 100 feet away from any permitted special event premises, unless the person is otherwise authorized by the special event organizer.

5. Discipline Process. The discipline process in [WAMC 9.51](#) is adopted.

**SECTION 2:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL DECEMBER 13, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Tracy Stefanski	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Marty Weigel	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Suzzette Grisham	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Danna Kuehn	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Thomas Lajsic	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Dan Roadt	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Rosalie Reinke	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>
Ald. Kevin Haass	<u>  X  </u>	<u>          </u>	<u>          </u>	<u>          </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of West Allis



Dan Devine, Mayor, City Of West Allis

