

**CITY OF JEFFERSON  
RULES AND REGULATIONS  
FOR TRANSIENT MERCHANT APPLICANTS**

*As in accordance with Chapter 270-3 of the Jefferson Municipal Codebook:*

**DEFINITION**

“Transient merchant” means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

**REGULATION OF TRANSIENT MERCHANTS**

*Prohibited Practices.*

A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words “No Peddlers,” “No Solicitor’s “ or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of hi/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred foot radius of the source.

No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

*Disclosure Requirements.*

After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or service he/she offers to sell.

If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with procedure as set forth in Sec. 423.203, State Statutes; the seller shall give the buyer two copies of typed or printed notice of that fact. Such notice shall conform to the requirements of Sec. 423.203(1)(a)(b) and (c), (2) and (3), State Statutes.

If the transient merchant takes a sales order for the later delivery of merchandise, he/she 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, and delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

**Applicants shall present to the clerk for examination:**

1. A driver's license or some other proof of identity as may be reasonably required;
2. A state certificate of examination and approval from the dealer of weights and measure where applicant's business requires use of weighting and measuring devices approved by state authorities;
3. 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 license is made.

At the time the registration is returned, a fee of \$10, shall be paid to the clerk to cover the cost of processing said registration.

The applicant shall sign a statement appointing the clerk his/her agent to accept service of process in any civil action brought against the applicant cannot, after reasonable effort, be served personally.

Upon payment of said fee, signing of said statement and completion of WI State Department of Justice background check, the clerk shall register the applicant as transient merchant and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Sec. (5) (b).

***Please contact City Hall at (920) 674-7700 with questions regarding Transient Merchant Applications.***