

Ordinance No. 2010-03

Town of Rush River

ORDINANCE ADOPTING TRANSIENT MERCHANT LICENSE

An Ordinance allowing the Town of Rush River to regulate Transient Merchant Licenses.

WHEREAS, Section 66.0423 Wis. Stats., authorizes Town Boards to regulate Transient Merchant Licenses.

WHEREAS, The Town has the authority to enact ordinance and to adopt the transient merchant licensing under 66.0423 Wis. Stats., as the Town has heretofore been authorized by its electors to exercise Town powers;

NOW THEREFORE, the Town Board of the Town of Rush River do ordain as follows:

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Rush River Transient Merchant Ordinance. The purpose of this ordinance is to regulate by license and penalty the canvassing or soliciting by transient merchants in their selling of goods and services in the Town of Rush River.

SECTION II - AUTHORITY

The Town Board of the Town of Rush River, St Croix County, Wisconsin, has the authority under its village powers under s. 60.22, Wis. stats., and the specific authority under s. 66.0423, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation and licensing of certain canvassing and soliciting by transient merchants in the town.

SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V - COVERAGE

A. No person under this ordinance, except for those persons exempt under Section VI of this ordinance, shall travel from place to place within the Town of Rush River offering the sale of property that he or she carries with him or her, who goes from place to place within the Town of Rush River soliciting orders for services or goods to be provided in the future, or who engages in, at a fixed location within the Town of Rush River a temporary business of selling property or services at that location in the Town of Rush River. Persons engaging in these activities are transient merchants within the meaning of this ordinance.

SECTION VI - EXEMPTIONS

The following persons, uses, and activities are exempt from the provision of this ordinance:

- A. Wholesalers selling personal property at wholesale to dealers, distributors, or retainers.
- B. Newspaper, periodicals, fuel, dairy products, or bakery goods delivery people.
- C. Children under 18 years of age who are residents of the local area.
- D. Town merchants or employees of those merchants taking orders for or delivering goods in the regular course of business in the Town of Rush River.
- E. A veteran holding a state license under s. 440.82 (2), Wis. stats.
- F. Sales in the Town of Rush River required by statute or court order.
- G. Auction sales in the Town of Rush River conducted for public purchase under state law.
- H. Sales of services or property in the Town of Rush River conducted under another Town of Rush River license or permit.

SECTION VII - ORDINANCE/LICENSE

- A. Any person subject to this ordinance shall comply with this ordinance and all state laws and rules regarding the sale of property and services in the Town of Rush River.
- B. The applicant and any other person subject to this ordinance shall be subject to all of the following:
 - 1. No person shall be issued a license.

SECTION VIII - PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION IX - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION X - EFFECTIVE DATE

This ordinance is effective on publication or posting.

Approved by:

Town of Rush River Planning Commission

Sandi Hazer

This 17th Day of August, 2010

Passed and adopted this 14 Day of September 2010

**Town of Rush River
St Croix County, Wisconsin**

By: Donald E. Schumacher
Donald E. Schumacher
Town Chairman

Attest: Sandi Hazer
Sandi Hazer
Town Clerk

Approved: Randy Stillings
Randy Stillings
Supervisor

William M. Findlay
William M. Findlay
Supervisor

I, Sandi Hazer, upon adoption of this Ordinance by the Town Board, did on the 14 day of September, 2010, post same in the following three places

1. Clerk's home
2. Chairman's home
3. Town Hall

Sandi Hazer, Clerk Sandi Hazer