

Town of Bell  
Transient Merchant Ordinance – No. 12-04

STATE OF WISCONSIN  
Town of Bell  
Bayfield County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Bell 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 Bell.

SECTION II – AUTHORITY

The Town Board of the Town of Bell, Bayfield 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

No person, except for those persons exempt under Section VI of this ordinance, shall travel from place to place within the Town of Bell offering the sale of property that he or she carries with him or her, who goes from place to place within the Town of Bell soliciting orders for services or goods to be provided in the future, or who engages in, at a fixed location within the Town of Bell, a temporary business of selling property or services at that location in the Town of Bell. 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 Town of Bell.
- D. Town merchants or employees of those merchants taking orders for or delivering goods in the regular course of business in the Town of Bell.
- E. Farmers and truck gardeners offering for sale agricultural perishable products that were raised or cultivated by them.
- F. Cornucopia Farmer's Market - Local artists, local weavers, local potters, local soap makers, local jewelry makers selling handmade items made from local products.
- G. A veteran holding a state license under s. 440.82 (2), Wis. stats.
- H. Sales in the Town of Bell required by statute or court order.
- I. Auction sales in the Town of Bell conducted for public purchase under state law.
- J. Sales of services or property in the Town of Bell conducted under another Town of Bell license or permit.
- K. WITC classes held on town property with prior Town Board Approval.

## SECTION VII – ORDINANCE/LICENSE

Itinerant/transient vendors will be prohibited from doing business on any town land except during community sanctioned not for profit events. Cornucopia Business Association sanctioned for profit events must receive prior town board approval before holding events on town property. Commercial use of town beaches and campgrounds is prohibited.

## 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 \$100.00 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

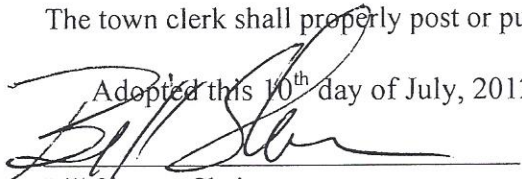
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance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

## SECTION X – EFFECTIVE DATE

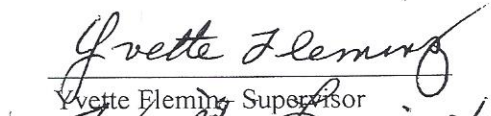
This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s.60.80, Wis. stats.

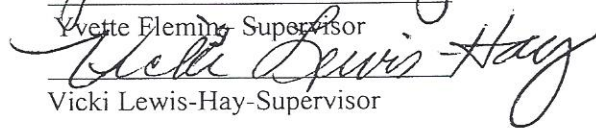
Adopted this 10<sup>th</sup> day of July, 2012.



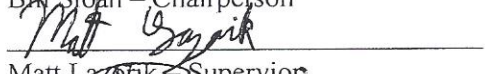
Bill Sloan - Chairperson



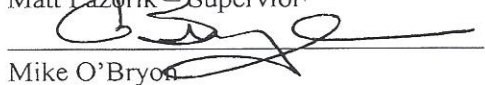
Yvette Fleming Supervisor



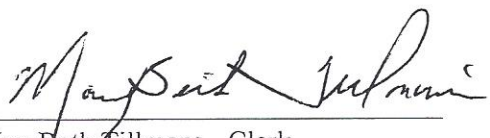
Vicki Lewis-Hay-Supervisor



Matt Lazofik - Supervisor



Mike O'Bryon

Attest: 

MaryBeth Tillmans - Clerk

Posted: July 19, 2012