

6.201 **DEFINITIONS.**

(1) **CHARITABLE ORGANIZATION.** Any benevolent, philanthropic, patriotic, or eleemosynary partnership, association, or corporation, or one purporting to be such which has maintained a permanent office in Brown County for at least the six months immediately preceding the date of application.

(2) **DIRECT SALES.** Selling goods at any location other than a permanent place of business. The sale of goods includes donations required for the retention of goods by a donor or prospective customer. A direct seller shall also include any person selling or displaying any goods from a stand.

(3) **SOLICITOR AND SOLICITATION.** Any person who goes from house-to-house, place-to-place, or street-to-street selling or taking orders for goods or offering to sell or take orders for goods. Any person who goes from house-to-house, place-to-place, street-to-street, or in a public place solicits monetary donations.

(4) **GOODS.** Personal property of any kind and personal services offered or sold independently of, in conjunction with, or incidental to any personal property offered or sold.

(5) **MOTOR VEHICLE.** As defined in Sec. 340.01(35), Wis. Stats.

(6) **OTHER PROPERTY.** Private property and public property which is not a public right-of-way.

(7) **PERMANENT MERCHANT.** (Amd. GO 20-10) A merchant who has maintained a permanent retail location in Brown County and maintained consistent business hours open to the public at least one hour per week for at least the six months preceding the date of application.

(8) **SIDEWALK.** All areas of public right-of-way not intended for use by motor vehicles

(9) **SPECIAL EVENT.** (Rep. & Rec. GO 14-06) An athletic event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, show or other similar display which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the normal use of parks or other public grounds. Boundaries for the special event shall be set forth in the application and permit for said event.

(10) **STAND.** A stand, tent, cart, pushcart, or non-permanent structure from which direct sales are conducted. A person shall also be deemed to have a stand, although there is no structure associated therewith, whenever a person remains in any one location for more than fifteen minutes.

(11) **STREET.** Those portions of public right-of-way intended for use primarily by motor vehicles.

6.202 **DIRECT SALES PERMIT REQUIRED.** No person shall engage in direct sales activity without the appropriate permit for the stand, vehicle, or location from which direct sales activity is conducted. A permittee shall be responsible for the acts and omissions of any employee, agent, or independent contractor while engaged in direct sales activity.

6.203 **SOLICITOR'S PERMIT REQUIRED.** No person shall engage in solicitation without a permit.

6.204 **PERMIT EXEMPTIONS.** The following activities shall be exempted from the permit requirement of this subchapter:

(1) The delivery of goods to regular customers on established routes. This exemption shall not apply to direct sales on a sidewalk.

(2) The sale of goods at wholesale to dealers in such goods.

(3) A home visit specifically requested by the buyer.

(4) A sale required by statute or order of any court

(5) A bona fide auction sale pursuant to law.

(6) Direct sales and solicitation conducted by a charitable organization or an agent thereof. This exemption shall not apply to direct sales on a sidewalk.

(7) Direct sales conducted by a permanent merchant or an agent thereof. This exception shall not apply to direct sales on a sidewalk.

(8) Direct sales conducted at a Special Event.

#### 6.205 **APPLICATION.**

(1) FORM. A person desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk under oath.

(2) IDENTIFICATION. The applicant shall present to the City Clerk a valid form of government issued identification bearing the applicant's photograph.

(3) OTHER PERMITS. Where applicable, the applicant shall present the City Clerk with the following:

(a) A valid retail food permit issued by the Brown County Health Department.

(b) A seller's permit as required by Sec. 77.52, Wis. Stats.

#### 6.206 **PERMIT FEES AND DURATION.**

(1) TEMPORARY. A temporary permit shall be valid for a period of 30 consecutive days from its issuance, unless sooner revoked. The fee for a temporary Direct Sales Permit shall be \$100, and the fee for a temporary Solicitor's Permit shall be \$25.

(2) ANNUAL. An annual permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee for a Direct Sales Permit shall be \$350, and the fee for a Solicitor's Permit shall be \$100

(3) LOCATIONS. Permits for direct sales on sidewalks and other property shall be valid for up to three locations per permit, as indicated on the application. A permittee may request additional locations for a fee of \$50 per additional location. A permittee may request a change in location by filing the appropriate request with the City Clerk and paying a fee of \$10 per location to be changed.

6.207 **PROCEDURE FOR GRANTING LICENSES.**

(1) **POLICE DEPARTMENT REVIEW.** The Police Department shall review completed applications. If the Police Department determines that any portion of the application is false or that the applicant has been convicted of a violation of an ordinance or law which substantially relates to the activity described in the application, the application may be denied by the Police Department.

(2) **CLERK APPROVAL.** If the Police Department approves the issuance of the permit, the City Clerk may grant the permit without further review, except as provided in Section 6.208(7)(h), Green Bay Municipal Code.

(3) **APPEAL.** Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Welfare Committee, subject to final disposition by the Common Council. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(4) **EFFECT OF DENIAL OF APPLICATION OR APPEAL.** An applicant whose permit has been denied by the Police Department or whose appeal has been denied by the Common Council may not apply for a permit for a period of one year from the date of the original application.

6.208 **DIRECT SALES REGULATIONS.** (Rep. & Rec. GO 30-06) All direct sales, whether conducted pursuant to a permit issued by the City or exempted from the permit requirements pursuant to Section 6.204, Green Bay Municipal Code, shall comply with the following regulations:

(1) **LITTER.** No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business, whether generated by the direct seller's business or the public at large. At least one clean, plastic-lined trash container clearly marked for litter shall be kept and maintained in the area by the direct seller.

(2) **NOISE.** No direct seller 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 of a 75 foot radius from the source.

(3) **SPECIAL EVENTS.** No person shall engage in direct sales at a special event without permission of the organization sponsoring the event.

(4) **DISPLAY OF PERMITS.** A direct seller shall prominently display the permit issued under this subchapter, as well as any other permits required for the operation, in an area visible to all customers.

(5) **DISTANCE LIMITATIONS.** No direct sales shall occur within the following distance limitations:

(a) **Crosswalks and Intersections.** 15 feet of a crosswalk, intersection, or alley entrance.

(b) **Fire Hydrants.** 10 feet of a fire hydrant, as measured along the curb face.

(c) **Railroad Crossing.** 50 feet of the near edge of a railroad grade crossing.

(d) Ramps. In any location where access to a disabled curb ramp or bus loading zone would be hindered.

(e) Similar Products. No direct sales may occur within 150 feet of a permanent merchant retailing similar or competing products, unless the permittee obtains written consent from such merchant. The permittee shall possess such consent at the location where direct sales are occurring at all times while engaged in direct sales activity.

(f) Other Direct Sellers. No direct sales may occur within 25 feet of another direct seller.

(g) Alcohol Establishments. No direct sales may occur within 50 feet of any portion of a premises licensed to sell alcoholic beverages for on premises consumption between 10:00 P.M. and 6:00 A.M.

(6) **DIRECT SALES ON SIDEWALKS**. No direct sales shall occur on a sidewalk unless all of the following requirements are satisfied:

(a) Specific Location Required. A direct seller must obtain a separate permit for each specific sidewalk location from which direct sales will occur. Transient direct sales on sidewalks are prohibited.

(b) Allocation of Locations. Only one permit may be granted for a specific location. If more than one application is received for the same location, the first eligible applicant will be granted the permit to operate from such location. However, if more than one application is received for an annual permit for the same location by December 1 of the year proceeding the permit year, the Clerk will randomly select one applicant from those eligible to receive a permit for such location.

(c) Removal. A direct seller shall remove the stand and all associated items from the sidewalk immediately upon ceasing direct sales activity and at all times when direct sales are prohibited.

(d) Sidewalk Width. No direct sales shall be conducted unless a minimum width of 6 feet of unobstructed pedestrian space remains on the sidewalk.

(e) Use of Amenities. No permittee shall use any of the amenities, including, but not limited to, benches, flower planters, trees, shelters, kiosks, and light poles, for the display of merchandise or attachment of any equipment or advertising materials.

(f) Permission from Adjacent Property. A permittee shall obtain permission from the owner or lessee of the property adjacent to the sidewalk where direct sales are to be conducted. Proof of such permission shall be filed with the City Clerk at the time of application for a permit. The permittee shall possess such proof at the location where direct sales are occurring at all times while engaged in direct sales activity

(g) Insurance. A permittee must file a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager prior to the issuance of a permit. Should the certificate lapse or otherwise fail to be in force, the permit shall be considered invalid.

(h) Council Approval. Applications for a Direct Sales permit for a sidewalk or a change in authorized locations shall be reviewed and approved by the Common Council, with a preliminary review and recommendation to be conducted by the Protection and Welfare Committee. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(7) **DIRECT SALES ON STREETS**. No person may engage in direct sales on a street unless

conducted from a motor vehicle under the following limitations:

(a) Warning Lights. The vehicle from which sales are conducted shall display the warning lamps described in Sec. 347.26(6)(a), Wis. Stats.

(b) Obstruction of Traffic. The vehicle shall remain stationary only as long as necessary to complete a sales transaction and in no case shall remain stationary longer than 10 minutes, be positioned when stationary in a manner which does not obstruct a normal traffic lane, and be operated in a manner which does not obstruct the normal flow of traffic.

(c) Insurance. A permittee must file a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager prior to the issuance of a permit. Should the certificate lapse or otherwise fail to be in force, the permit shall be considered invalid.

(8) DIRECT SALES ON OTHER PROPERTY. No direct sales shall be conducted in, on, or above other property without first obtaining permission from the owner or person in control of such property. The permittee shall possess such proof at the location where direct sales are occurring at all times while engaged in direct sales activity.

**6.209 SOLICITATION REGULATIONS**. All solicitation, whether conducted pursuant to a permit issued by the City or exempted from the permit requirements pursuant to section 6.204, Green Bay Municipal Code, shall comply with the following regulations:

(1) DISCLOSURE. After the initial greeting and before any other statement is made to a prospective customer, a solicitor shall identify himself/herself, disclose the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services offered for sale.

(2) IDENTIFICATION. A solicitor shall display on their person the permit issued by the City, if applicable, and possess on their person a valid form of government issued identification bearing the permittee's photograph at all times while engaged in solicitation.

(3) SOLICITING CONTRARY TO SIGN. A solicitor shall not call at a place where a sign is displayed bearing the words "No Soliciting," "No Peddlers," or words of similar meaning.

(4) STATE LAW COMPLIANCE. A solicitor shall comply with the applicable provisions of Ch. 423, Wis. Stats.

(5) STREETS. (Amd. GO 15-12) Solicitation shall not occur in streets, unless such solicitation is conducted by an organization recognized by the Internal Revenue Service as a 501(c)(3) organization that has obtained a Special Event Permit pursuant to § 6.15, Green Bay Municipal Code. An organization authorized to conduct street solicitation shall not engage in such solicitation more than once per calendar year. The duration of the solicitation shall not last for more than three consecutive days and shall take place during day light hours. An organization conducting such solicitation shall execute a hold harmless agreement with the City of Green Bay prior to issuance of the Special Events Permit.

(6) TIME LIMITATIONS. No solicitation shall occur between 9:00 P.M. and 9:00 A.M., except by appointment.