

STATE OF WISCONSIN

VILLAGE OF ELM GROVE

WAUKESHA COUNTY

**AN ORDINANCE AMENDING CHAPTER 262 TRANSIENT MERCHANTS  
OF THE VILLAGE OF ELM GROVE CODE OF ORDINANCE**

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

**Section 1:** §262 of the Village of Elm Grove Code of Ordinances is hereby amended by the deletion of text with ~~strike-outs~~ and the addition of underlined text as follows:

§ 262-4. Registration.

E. Within ~~72 hours~~ seven business days of payment of the required fee and the signing of said statement, the Village Clerk shall, subject to the provisions of § 262-5B of this chapter, register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of ~~one year~~ six months from the date of entry and shall be subject to subsequent revocation under the provisions of § 262-9 of this chapter.

F. All Transient Merchant Permits include a photo and signature of the applicant and the signature of the Village Clerk. The applicant must appear before the Village Clerk or designee at the Village of Elm Grove to have said photo taken and to provide an original signature. Failure to do so within five business days after notification will result in the permit being invalid.

§ 262-4.1. Charitable organization registration.

B. Processing and issuance. Within ~~72 hours~~ seven business days of receipt of application, the Village Clerk shall, subject to the provisions of § 262-5 of this chapter, register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period not to exceed ~~one year~~ six months.

C. All charitable organization transient merchant permits shall include a photo and signature of the applicant and the signature of the Village Clerk. The applicant must appear before the Village Clerk or designee at the Village of Elm Grove to have said photo taken and to provide an original signature. Failure to do so within five business days after notification will result in the permit being invalid.

§ 262-7. Regulation of transient merchants.

B. Disclosure requirements.

(1) 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 services he/she offers to sell.

(2) 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 the procedure set forth in § 423.203, Wis. Stats., the seller shall give the buyer two copies of a typed or printed notice of that fact [§§ 423.203(1)(a),(b) and (c), and (3), Wis. Stats.].

(3) 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; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

(4) A transient merchant must have the Village of Elm Grove Transient Merchant Identification Card in plain view on the front of the person with the name and photo unobstructed at all times. Failure to do so will result in revocation of the permit in addition to penalties set forth in §262-10.

**Section 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

**Section 3:** This ordinance shall take effect and be in full force from and after its passage and posting.

Passed and approved this 22<sup>nd</sup> day of April 2008

VILLAGE OF ELM GROVE

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Neil H. Palmer, Village President

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Mary S. Stredni, Village Clerk