

**COMMON COUNCIL - CITY OF MUSKEGO  
ORDINANCE #1456**

**AN ORDINANCE TO AMEND CHAPTER 267,  
SECTIONS 267-4., 267-6., 267-7. C. AND 267-18.,  
OF THE MUNICIPAL CODE OF THE CITY OF MUSKEGO  
(Peddlers, Solicitors and Transient Merchants)**

THE COMMON COUNCIL OF THE CITY OF MUSKEGO, WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Chapter 267, Section 267-4., of the Municipal Code of the City of Muskego, is hereby amended to read as follows:

§ 267-4. Application for license.

A written application for a license under this chapter shall be filed with the City Clerk-Treasurer on a form provided by the Clerk-Treasurer's office. The form shall require the necessary information from the applicant that the Police Department shall need for the effective enforcement of this chapter and safeguarding of the residents of the City from fraud, misconduct or abuse. Applicants shall present a valid driver's license at the time the application is submitted or some other proof of identity as may be reasonably required. Any sales to be conducted on property governed by the Public Works and Development Department must comply with Chapter **259** of the City Code.

- A. Peddlers and solicitors. The applicant who is the prospective licensee must obtain a license in his/her own name. The prospective licensee must further obtain a permit for each individual person peddling or soliciting. The prospective licensee and each person peddling or soliciting under the licensee are required to remit fees as set forth in § **267-5**.
- B. Transient merchants. The applicant who is the prospective licensee must obtain a license in his/her own name. The prospective licensee is required to remit fees as set forth in § **267-5**. Applicants for a transient merchant license must contact the Public Works and Development Department to determine if review and approval is needed by the Plan Commission. The Clerk-Treasurer will not issue the license until such approval is obtained.

SECTION 2: Chapter 267, Section 267-6., of the Municipal Code of the City of Muskego, is hereby amended to read as follows:

§ 267-6. Charitable organizations.

Any organization defined as a charitable organization shall file a written application with the City Clerk-Treasurer on a form provided by the Clerk-Treasurer's office. The form shall require the necessary information from the applicant that the Police Department shall need for the effective enforcement of this chapter and safeguarding of the residents of the City from fraud, misconduct or abuse.

- A. Charitable organizations are exempt from payment of the license fee, except for the investigation fee for each representative of the organization. The fee charged shall be based on the actual costs associated with the investigation and is nonrefundable.
- B. Proof of tax-exempt status must be furnished to the City Clerk-Treasurer.

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SECTION 3: Chapter 267, Section 267-7. C., of the Municipal Code of the City of Muskego, is hereby amended to read as follows:

§ 267-7. Investigation and issuance.

- C. If the Chief of Police finds the application cannot be approved per the standards of Subsection **B**, the Chief shall state, in writing, his reasons for doing so, including a statement of how the circumstances of the offense relate to the particular licensed activity, and return said application to the City Clerk-Treasurer, who shall notify the applicant that the application is disapproved and that no license will be issued. In this event, the applicant shall be given an opportunity to appeal before the Finance Committee to show evidence of rehabilitation and fitness to engage in the licensed activity. The Finance Committee shall consider the factors stated in Wis. Stats. 111.335(4)(d) in making its determination regarding evidence of rehabilitation and fitness to engage in the licensed activity.

SECTION 4: Chapter 267, Section 267-18., of the Municipal Code of the City of Muskego, is hereby amended to read as follows:

§ 267-18. Sales events.

The individual exhibitors involved in a sales event, as defined in § **267-2**, shall not be required to obtain individual licenses as provided in this chapter; provided, however, that the following conditions are complied with:

- A. The person organizing the event, or an agent if the event is being organized by a corporation, shall obtain a sales event license from the City Clerk-Treasurer of the City of Muskego.
- B. In order to obtain a sales event license, the applicant must file a written application with the City Clerk-Treasurer on a form to be furnished by the City Clerk-Treasurer. The form shall require the necessary information that the Police Department shall need for effective enforcement of this chapter and safeguarding of the residents of the City from fraud, misconduct or abuse.
- C. The applicant must obtain a separate license for each day that the sales event takes place.
- D. Upon receipt of the application, the application shall be referred to the Chief of Police for investigation pursuant to § **267-7**.
- E. The applicant for a sales event licensee shall pay a daily fee for each day that the sales event takes place as set by a resolution approved by the Common Council.

SECTION 5: The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portion thereof of the Ordinance which shall remain in full force and effect. Any other Ordinance whose terms are in conflict with the provisions of this Ordinance is hereby repealed as to those terms that conflict.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and publication.

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PASSED AND APPROVED THIS 9th DAY OF FEBRUARY 2021.

CITY OF MUSKEGO

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Rick Petfalski, Mayor

ATTEST:

First reading: January 26, 2021

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Clerk-Treasurer

Ordinance Published: February 17, 2021

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