

ORDINANCE

An Ordinance to amend Section 11.130 of the Manitowoc Municipal Code regulating Direct Sellers and Direct Purchasers.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section amended to read as follows:

“11.130 Direct Sellers and Direct Purchasers.

(1) Registration Required. It shall be unlawful for any direct seller or direct purchaser to engage in direct sales of goods or services or direct purchases of goods within the City of Manitowoc without being registered for that purpose as provided herein.

(2) Definitions. In this section:

Charitable organization shall include any benevolent, philanthropic, patriotic, religious, or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Clerk shall mean the City Clerk.

Direct purchaser means any individual who, for him/herself, or for a partnership, association or corporation, purchases or takes orders for the later purchase of goods at any location other than a permanent business place or residence of said individual, partnership, association or corporation.

Direct seller means any individual who, for him/herself, or for a partnership, association or corporation, sells goods or services, or takes orders for the later delivery of goods or services, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods or services includes donations required by the direct seller for the retention of goods or services by a donor or prospective customer.

Goods shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.

Permanent merchant means a direct seller who, for at least six months prior to the consideration of the application of this section to said merchant:

1. Has continuously operated an established place of business in Manitowoc County; or
2. Has continuously resided in Manitowoc County and now does business from his/her residence.

(3) Exemptions. Except as otherwise indicated, the following shall be exempt from the provisions of this section:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for the sale of goods regularly offered for sale by such merchant within this County and who delivers such goods in their regular course of business;

(e) Any person who has an established place of business where the goods or services being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;

(f) Any person selling prepared food and/or beverages for immediate consumption, or retail foods for which a retail food license is required;

(g) Any person holding a sale required by Statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

(h) Any charitable organization or employee, officer or agent of the same which has for at least six months maintained a permanent office or headquarters in the City of Manitowoc;

(i) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is not a permanent merchant; provided, that there is submitted to the Clerk proof that such person has leased for at least six months, or purchased, the premises from which he/she is conducting such business in this City for at least six months prior to the date complaint was made;

(j) Any person selling goods or services at a flea market, art fair, or similar event ~~involving five or more direct sellers~~ and which event is sponsored by a permanent resident of Manitowoc County.

...”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	\$0
Funding Source:	n/a
Finance Director Approval:	/sc
Approved as to form:	/kmm

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney

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