

Ordinance No. \*-12

To repeal and recreate Article XVII. Hawkers and Peddlers<sup>1</sup> of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Sec. 22-531 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

**“Sec. 22-531 Street Vendors License—Required.**

No person shall travel by foot or by vehicle from place to place within the city for the purpose of carrying to sell, or exposing for sale, any goods, wares or merchandise, or shall sell food, goods, wares or merchandise from a cart, tent, trailer, wagon, stand, motor vehicle or other substitute for a building on an intermittent but permanent basis at the same location weekly, monthly or seasonally, without first obtaining a street vendor license. Applicants shall provide proof of a valid Wisconsin sellers permit.

Street vendors doing business on a permanent basis at the same location shall comply with the provisions of section 82-36.

Any person conducting business under this article in a public street right-of-way shall engage in such business as close as practicable to the curblin, except as otherwise provided in this article.

Any person conducting business under this article shall be required to have the street vendor license and a personal PHOTO ID on their person or posted in a prominent place on their cart, tent, trailer, wagon, stand, motor vehicle or other substitute for a building.

(Code 1973, § 22.02.010)”

Part 2:

Sec. 22-532 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

**“Sec. 22-532 Same—Application.**

The application for a street vendor license shall include a description of the method of travel to be used, or the location at which sales are made intermittently but permanently,

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<sup>1</sup> State law references: Authority to regulate transient merchants, Wis. Stats. § 66.083.

and the manner in which the applicant intends to carry on his trade within the city. No such license shall be issued unless the applicant presents to the city clerk the certificate of the sealer of weights and measures, and/or the appropriate permits or license(s) from the Health, Public Works, Parks, Building, or Fire Department, if any is required for such activity.

(Code 1973, § 22.02.020)”

Part 3:

Sec. 22-533 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

**“Sec. 22-533. Same—Fees.**

The annual<sup>2</sup> fees for hawkers and peddlers licenses shall be as established by the common council for the following:

- (1) Every street vendor who sells or exhibits products by traveling on foot or bicycle for one to three consecutive days;
- (2) Every street vendor who sells or exhibits products with a vehicle having a load capacity of:
  - a. Up to two tons;
  - b. More than two tons and up to three tons;
  - c. More than three tons and up to four tons;
  - d. Over four tons.
- (3) Every street vendor who sells intermittently but permanently at the same location, subject to compliance with sections 82-36 and 18-42, or optional periods of three months or four consecutive days.
- (4) Every business and registered non-profit 501(c) (3) organization sponsoring a special event.

(Code 1973, §§ 22.02.030, 30.07C.100; Ord. No. 44-04, pt. 10, 12-7-04)”

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<sup>2</sup> Fees are for licensing during a particular calendar year.

Part 4:

Sec. 22-534 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

**“Sec. 22-534. Identification badge required.**

No street vendor shall conduct any business as provided for in this article without displaying on his person in a prominent place an identification badge issued by the City to the licensee and employees thereof. Application for such badge shall be made by the licensee. The badge shall contain the photograph of the person to be performing business under the license, the person's name and address, the type of license issued, the date of issuance, and the date of expiration. The fee for each such badge shall be \$10.00.

(Code 1973, § 22.02.040; Ord. No. 2-93, pt. 4, 2-2-93)”

Part 5:

Sec. 22-537 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

**“Sec. 22-537. Exemptions from article.**

Street vendor licenses are not required for:

- (1) Persons regularly engaged in the sale or exhibit for sale of goods, wares, food or merchandise to persons engaged in the business of buying, selling and dealing in such goods, wares, food or merchandise.
- (2) Persons enrolled in a public, private or parochial elementary, middle or high school or members of a registered non-profit 501(c) (3) youth groups, who are engaged in the sale of goods, wares, food or merchandise for fundraising activities sponsored by and benefitting such school or an organization officially affiliated with such school or the registered non-profit 501(c) (3) organization.
- (3) Persons who are members of a registered 501(c)(3) group engaged in selling at a fixed location, which is not on public property, for four or less consecutive days only, e.g. along a parade route or near a special event.”

Part 6:

Sec. 22-538 of the Municipal Code of the City of Racine is hereby created to read as follows:

**“Sec. 22-538. Special event license.”<sup>3</sup>**

Special events sponsored by registered non-profit 501(c) (3) organizations or businesses shall not be required to have an individual license for each vendor. A special event, for this ordinance, is defined as a public event sponsored by a registered organization and held within a fixed perimeter, where one or more vendors assemble for the purpose of selling goods, services, food, or wares and/or providing entertainment or amusement. The event sponsor shall apply at least two weeks before the date of the event and provide a list of the participating vendors to acquire a Special Event License.

Individual sellers shall not be required to purchase and wear an individual identification badge. Individual sellers are responsible to acquire the appropriate permits or license(s) from the Health, Public Works, Parks, Building, or Fire Department, if any is required for such activity. Responsibility for the conduct and integrity of the vendors shall rest with the sponsoring organization. The Special Event sponsor shall have the exclusive right to regulate the participation of vendors within the perimeter of the site and within 200 feet of the site.

Part 7:

Sections 22-539—22-560 of the Municipal Code of the City of Racine are hereby reserved.

Part 8:

This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

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Approved: \_\_\_\_\_

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Mayor

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<sup>3</sup> This will also require the addition of a fee for a Special Event License per Sec. 22-533

Attest:

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City Clerk

Fiscal Note: N/A