



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, July 11, 2023

6:00 PM

Lower Conference Room

Agenda

- 1) Call to Order
- 2) Approval of Minutes
 - a. June Meeting Minutes
- 3) Discussion Items

Action requested: discuss and take action as needed

 - a. Regulation of Door to Door Peddling
 - b. Inspections Permitting for 1 & 2 Family Dwellings
- 4) Work Calendar
- 5) Adjourn

Dated: July 11, 2023

/s/ Dale Mayr, Chair

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, June 13, 2023

6:00 PM

Lower Conference Room

Minutes

I) Call to Order

Present:

Chair Dale Mayr
Alderman Gregg Bach
Alderman Kathleen Schneider

Also Present: City Administrator Jones, City Attorney Sajdak, and Executive Assistant Enea.

II) Election of Chair

Alderman Schneider nominated Alderman Mayr to be the Chair of the Public Welfare Committee and Alderman Bach seconded. It was approved unanimously via Voice Acclamation.

III) Approval of Minutes

1. May Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bach

AYES:	Mayr, Bach, Schneider
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IV) Ordinances

Action requested: review and recommend approval

City Attorney Sajdak provided the Committee with clarification on the changes that were made to the ordinance in relation to noise nuisances within the City. The ordinance had been previously approved, but it was still clunky and hard to follow. On page 29, the hours were adjusted to read when noise was permitted rather than when noise was not permitted. The Committee agreed the amended version presented by City Attorney Sajdak achieved the desired result in a more clear manner.

Attachment: PW Mins 061323 (8591 : June Meeting Minutes)

1. **ORDINANCE 2023-1639** An Ordinance Amending Section 46-133 and Chapter 50 of the Mequon Municipal Code, Relating to Nuisances Within the City, Including Noise

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bach

AYES: Mayr, Bach, Schneider

V) Discussion Items

The Committee added the following three items to the work calendar:

- 1) Citizens are currently allowed to do some of their own plumbing work. The Committee will explore allowing residents to do some of their own electrical work as well.
- 2) The Committee wished to review regulations governing Solicitors that go door-to-door in the community.
- 3) The Committee will continue its review of the rules and standards related to the Architectural Board.

VI) Adjourn

Alderman Bach moved to adjourn at 6:14 P.M. and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Attachment: PW Mins 061323 (8591 : June Meeting Minutes)



11333 N. Cedarburg Road
Mequon, WI 53092-1930
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Fax: 262-242-9655

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Office of City Clerk

TO: Public Welfare Committee
FROM: Caroline Fochs, City Clerk
DATE: July 3, 2023
SUBJECT: Regulation of Door to Door Peddling

Background

The Public Welfare Committee requested a review of the city's regulations pertaining to Peddler License requirements. The Clerk's Department is tasked with licensing these types of business and below is a brief outline of how these applications are processed.

Once an application is received and fees paid, the application is sent to the Police Department for a background check on each salesman. Once the investigation is complete, the submission is sent to the Finance-Personnel Committee with the Police Chief's recommendation to approve or deny. If the recommendation is to approve, and the Finance-Personnel Committee concurs, the license is issued to each salesman along with a copy of Peddler License Restrictions, see attached. The name of the approved business and salesmen are placed on the city's website, so residents have the ability to verify that the peddler coming to their door has been vetted by the police department.

Analysis

One of the requirements in selling door to door is that each applicant is required to display identification per Sec, 14-124:

During actual peddler, transient merchant or solicitation activity, each licensed peddler, transient merchant or solicitor shall wear or otherwise visibly exhibit a picture identification issued by the entity or organization with which he or she is affiliated, and shall also carry the license issued by the clerk, evidencing the fact that the peddler, transient merchant or solicitor is licensed to solicit within the city, and shall produce the license for inspection upon request.

Should peddlers violate this requirement or violate any provision of the chapter, the Finance-Personnel Committee has the ability to hold a hearing to revoke the license.

Fiscal Impact

Each business is charged an \$80 fee, then \$12 for the background check for each salesman.

Recommendation

No recommendation.

Attachments:

Peddler License Restrictions (DOCX)

ARTICLE_V.___REGULATION_OF_TRANSIENT_MERCHANTS_AND_SOLICITORS
(DOCX)



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 Fax: 262/242-9655

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Office of the City Clerk

The following restrictions apply:

- No soliciting before 9:00 AM nor after 7:00 PM.
- No parking on any city streets.
- No trespassing on any property posted “no soliciting” or “no trespassing”.
- No calling at the rear door of any residence.
- No soliciting on Sundays.
- Your license must be carried with you at all times.
- A photo ID issued by your company must be visible at all times.

One free 3-month extension is possible. The licensee may make application in person to the Clerk for renewal of the license. The Clerk shall grant the requested renewal and the renewed license shall remain in effect, only providing: a) At the time of request for renewal the licensee shall execute and provide a certified statement attesting that the information in the initial application and license is current, and correct, and to the extent applicable shall provide the Clerk with changes to any information which was provided in the initial application; b) There have been no bona fide citizen complaints regarding the peddling, canvassing, soliciting, or selling activities of the applicant or the applicant’s agents, employees, or affiliates, and c) There has been no objection to the renewal by the Finance-Personnel Committee of the city. We suggest applying for an extension no later than 10 calendar days prior to your license expiration date.

The regulation of Transient Merchants, Peddlers and Solicitors is regulated by the City of Mequon Section 14-114 of the Municipal Code. Transient Merchants, Peddlers and Solicitors are responsible for adhering to all requirements of the code. Feel free to contact the City Clerk’s Office at 262-236-2914 or kandrykowski@ci.mequon.wi.us with any questions.

G:\Licensing\Peddler License Restrictions.docx

Attachment: Peddler License Restrictions (8552 : Peddlers Licensing)

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESSES
ARTICLE V. REGULATION OF TRANSIENT MERCHANTS AND SOLICITORS

ARTICLE V. REGULATION OF TRANSIENT MERCHANTS AND SOLICITORS¹

Sec. 14-114. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Clerk shall mean the City of Mequon Clerk.

License shall mean a license to engage in peddler, transient merchant and solicitation activity within the City of Mequon, as regulated hereunder.

Merchandise shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

Peddler means any natural person or entity who engages in the retail sale of merchandise by the direct selling, door-to door method. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

Permanent merchant means any person who, for at least one year prior to the consideration of the application of this chapter to said merchant:

- (1) Has continuously operated an established place of business in this city or in the local trade area among the communities in the vicinity of the City of Mequon; or
- (2) Has continuously resided in this city and now does business from his/her residence.

Person or individual shall mean all natural persons of any age or sex, partnerships, corporations, associations, groups, or organizations working in concert or for the same purpose or objective.

Solicitor includes any person who goes from place to place within the city for the purpose of soliciting donations for charitable, religious, political, patriotic, philanthropic or eleemosynary purposes or activities.

Transient merchant means a person who engages in the temporary business of selling merchandise at a fixed location in the city.

¹Editor's note(s)—Ord. No. 2006-1191, § I, adopted Oct. 10, 2006, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 14-114—14-128, pertained to similar subject matter, and derived from Code 1957, § 18-06(1)—(15); Ord. No. 82-518, adopted May 19, 1982; Ord. No. 87-625, adopted Apr. 14, 1987; Ord. No. 94-829, adopted Nov. 9, 1994; Ord. No. 95-860, adopted Nov. 14, 1995; and Ord. No. 2003-1073, § XIII, adopted June 18, 2003.

State law reference(s)—Authority to regulate transient merchants, Wis. Stats. § 66.0423.

Transient merchants, charitable organizations or solicitors shall be construed to include any employee, agent, member or volunteer thereof.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-115. Application and license required; fees.

It shall be unlawful for any peddler, transient merchant or solicitor to engage in sales or sales activities or to solicit donations within the City of Mequon without first applying and obtaining a license as set forth herein.

The application for a license to peddle, canvass, or solicit within the corporate limits of the City of Mequon shall be made in person to the clerk, with approval by the clerk and the committee on finance-personnel of the city. At the time of filing the permit application, the applicant for a peddler, transient merchant or solicitor's permit shall pay to the city clerk administrative processing fees as shall be determined by the common council by resolution from time to time. Charitable organizations which are registered with the State of Wisconsin pursuant to § 440.41, Wisconsin Statutes, or which are exempt from such registration requirements shall register and pay the criminal investigation portion of such fees, but shall be exempt from the balance of said administrative fees. In addition to the fees provided hereinabove, the applicant shall pay the required administrative fees for each individual who shall engage in peddler, transient merchant or solicitor activities in the city, to defray the cost of licensure and criminal investigation of each such peddler, transient merchant or solicitor.

- (1) Class A license. Any applicant who has a permanent residence or place of business in the state may apply for and be granted a license which shall be valid for a period of three (3) months from issuance, and which shall be renewable for a like period.
- (2) Class B license. All other applicants may apply for and be granted a license which shall be valid for a period of up to thirty (30) days from issuance, and which shall be renewable for a like period.
- (3) The prospective licensee must further obtain a permit for each additional individual person peddling, soliciting, or carrying on transient merchant activity.
- (4) The application must identify the name, permanent address, social security number, age and driver's license of each permittee and such other information as the city may from time to time require.
- (5) There shall be a waiting period of seventy-two (72) hours excluding weekends and holidays from the time of the issuance of the license to the prospective licensee, to the time that the licensee may begin the peddling, soliciting, or transient merchant activity within the corporate limits of the city.
- (6) Upon expiration of the initial class B license to peddle, canvass, or solicit within the corporate limits of the city, the licensee may make application in person to the clerk for renewal of the license. The clerk shall grant the requested renewal and the renewed license shall remain in effect, only providing:
 - a. At the time of request for renewal the licensee shall execute and provide a certified statement attesting that the information in the initial application and license is current, and correct, and to the extent applicable shall provide the clerk with changes to any information which was provided in the initial application;
 - b. There have been no bona fide citizen complaints regarding the peddling, canvassing, soliciting, or selling activities of the applicant or the applicant's agents, employees, or affiliates; and
 - c. There has been no objection to the renewal by the committee on finance-personnel of the city.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-116. Exemptions.

The following shall be exempt from all provisions of this article:

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes, or any other person making a regular delivery of goods ordered by a customer;
- (2) Any person selling agricultural products which the person has grown;
- (3) Any person who takes orders away from or delivers goods to an existing established place of business, for merchandise regularly offered for sale by the merchant within this city and who delivers such merchandise in their regular course of business;
- (4) Any person who has an existing established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested or consented to a home visit by, said person;
- (5) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer, and in which the customer has specifically requested or consented to a home visit by said person;
- (6) 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;
- (7) Any person permitted to do business at special events authorized by the common council.
- (8) Any person doing business with the permission of, and upon the premises of, existing retail establishments, which establishments are located within zoning districts allowing retail sales, and having occupancy permits allowing retail sales operations, provided such transient merchants does business within the enclosed building structure. This exemption shall apply only to establishments and buildings wherein any sales conducted pursuant to this exemption are of the same type and nature as sales generally occurring therein, and provided further that the primary business of the establishment is retail sales. This exemption specifically shall not apply to hotels and motels.
- (9) Any person engaging in proselytizing on behalf of any bona fide religion or religious group, or campaigning, or otherwise engaging in political activity, including pamphleteering.
- (10) Any persons under the age of eighteen (18) who are residents of the city, or pupils in the Mequon-Thiensville School District or a private or parochial school located within the city, and who are engaging in occasional door-to-door sales in order to raise funds for school, school-related, school extra-curricular -related, scouting-related, athletic or religious activities.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-117. Reserved.

Sec. 14-118. Investigation.

- (a) Upon receipt of a completed registration form, the clerk shall promptly refer it to the chief of police, who shall forthwith make an investigation of the statements made in such registration, and the individuals who it is proposed will carry out transient merchant of solicitor activities in the city. The chief of police, or his designee, shall endorse his approval or disapproval in a report to the clerk within three (3) business days after the investigation has been completed.

- (b) The clerk and committee on finance-personnel shall refuse to issue the permit to the applicant if it is determined, pursuant to the investigation provided for hereinabove, that the registration contains any material omission or materially inaccurate statement; applicant was convicted of a crime, statutory violation or ordinance violation with the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in transient merchant or solicitor activities; or the applicant failed to comply with any applicable provision of this article.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-119. Reserved.

Sec. 14-120. Reserved.

Sec. 14-121. Bond.

After approval, but prior to issuance of the license regulated herein for a peddler or transient merchant, every applicant whose principal place of business is located outside the state shall file with the city clerk a bond in the sum of five hundred dollars (\$500.00) in the form of cash or irrevocable letter of credit, upon which the city may draw, securing full compliance with the ordinances of the city and laws of the state relating to peddlers and transient merchants, securing payment of any forfeiture for the violation thereof, and guaranteeing to any citizen of the City of Mequon doing business with the applicant that the property purchased will be delivered according to the representations of the applicant. Action on such bond may be brought by any person aggrieved, provided that action to recover on any such bond shall be commenced within sixty (60) days after the expiration of the license issued to the applicant by the clerk.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-122. Prohibited practices.

Peddlers, transient merchants, charitable organizations and solicitors shall be prohibited from:

- (1) Calling at any dwelling or other place on Sunday, or on any other day after 7:00 p.m. or before 9:00 a.m., except by appointment.
- (2) Calling at the rear door of any dwelling, unless expressly requested by the occupant.
- (3) Calling at any dwelling or other place where a sign is displayed bearing the words "no peddlers," "no solicitors" or words of similar meaning.
- (4) Remaining on premises after being asked to leave by the owner, occupant, or any other person having authority over such premises.
- (5) Misrepresenting or making false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A licensee soliciting on behalf of a charitable organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (6) Impeding the free use of sidewalks and streets by pedestrians and vehicles.
- (7) Failing to observe all traffic and parking regulations where sales are made from vehicles, or a neighborhood is accessed by means of a vehicle.

(Supp. No. 54)

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- (8) Making or employing any loud noises or using any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred-foot radius of the source.
- (9) Allowing rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-123. Reserved.

Sec. 14-124. Display of license.

During actual peddler, transient merchant or solicitation activity, each licensed peddler, transient merchant or solicitor shall wear or otherwise visibly exhibit a picture identification issued by the entity or organization with which he or she is affiliated, and shall also carry the license issued by the clerk, evidencing the fact that the peddler, transient merchant or solicitor is licensed to solicit within the city, and shall produce the license for inspection upon request.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-125. Revocation of license.

- (a) A license may be revoked by the finance-personnel committee after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the court of engaging in transient sales; violated any provision of this section, or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in peddler, transient merchant or solicitation activity.
- (b) Written notice of the hearing shall be served personally on the applicant, or by registered mail - return receipt requested, sent postage pre-paid to the registrant at the address provided in the application at least seventy-two (72) hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts or omissions alleged which form the basis for the proposed revocation of license.

(Ord. No. 2006-1191, § I, 10-10-2006)

Sec. 14-126. Reserved.

Sec. 14-127. Penalty.

Any person, corporation, partnership, organization or entity who shall violate any provision of this article shall suffer a forfeiture for each violation, plus costs of prosecution and penalty assessments according to law. Each day of violation shall constitute a separate offense.

(Ord. No. 2006-1191, § I, 10-10-2006; Ord. No. 2010-1336, § I, 11-9-2010)

Sec. 14-128. Appeal.

Any applicant denied a license may appeal the denial by filing a request for appeal hearing before the board of appeals, with the clerk, within fifteen (15) days of the date of the denial.

(Ord. No. 2006-1191, § I, 10-10-2006)

Secs. 14-129—14-154. Reserved.



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Office of Inspections

TO: Public Welfare Committee
FROM: Kim Tollefson, Director of Community Development
DATE: July 11, 2023
SUBJECT: Inspections Permitting for 1 & 2 Family Dwellings

Background: Public Welfare Committee, at its June meeting, requested information about permitting for 1 & 2 Family Dwellings; specifically, what permits can an owner/occupier obtain. For the purposes of this memorandum, all information provided pertains to 1 & 2 family dwelling units only.

Analysis: There are four permits common to residential projects: Building, Plumbing, Electrical, and HVAC. Below are the current policies regarding each permit:

Building: An owner/occupier may obtain a building permit for the address they own/occupy. All procedures for obtaining a building permit shall be followed. As part of the building permit application process, the building inspector performs a plan review prior to issuing any permit at which time questions regarding the project can be asked before any work commences.

HVAC: An owner/occupier may obtain an HVAC permit for the address they own/occupy. All procedures for obtaining an HVAC permit shall be followed. Life safety is typically not a concern for projects homeowners are performing. The most common is venting of bathroom exhaust fans and kitchen hood vents.

Plumbing: An owner/occupier may obtain a plumbing permit for the address they own/occupy for indoor plumbing only. Wisconsin plumbing code requires a licensed plumber to perform any exterior plumbing, i.e., sump pump discharge burial. Indoor plumbing is considered to be more of a property damage concern than life safety.

Electrical: All electrical permits require a licensed electrician to obtain the permit. Due to the inherent lethal nature of electricity and the complexity of the National Electric Code, this is common practice among most communities in the area.

Summary: The current policies for obtaining the various permits in the City of Mequon are consistent with surrounding communities in the area. These policies allow the average homeowner the ability to perform small remodeling projects while maintaining their safety.



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Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: June 6, 2023
SUBJECT: Work Calendar

Meeting Topics

June

- Election of a Chair
- Nuisance Ordinance

July

- Permitting for 1 & 2 Family Dwellings
- Peddlers Licensing Inspections

August

- Architectural Board Review
- Permitting for 1 & 2 Family Dwellings (Continued)
- Peddlers Licensing Inspections (Continued)

Future Agenda Topics

- Chapter II, Article IV Review (Continued)
- Community Survey
- Adopt-A-Median Program
- Community Outreach Initiatives
- Logo Redesign/Branding

2023 Completed Items

- Nuisance Ordinance
- Composting
- Setbacks For R-2 Zoning District
- No Mow May
- Bird City Designation
- Bee City Designation
- Recreation Vehicle Length/Storage
- Building Code Update
- City Cell Phone Policy
- Home Irrigation Systems
- Pool Covers Ordinance
- Home Irrigation Systems Update