

**VILLAGE OF SPRING VALLEY
DIRECT SELLERS REGISTRATION/APPLICATION**

Date: _____

Applicant/Seller:

Name: _____

Address: _____

Phone: _____

Height: _____ Weight: _____ Birth Date: _____ Eyes Color: _____ Hair Color: _____

Person, Firm, Association or Corporation Applicant/Seller Represents:

Name: _____

Address: _____

Phone: _____

Where will business be conducted from:

Address: _____

Phone: _____

Place where applicant can be contacted for at least seven (7) days after leaving Spring Valley:

Address: _____

Phone: _____

Make, model and license number of vehicle to be used by applicant in the conduct of business:

Make _____ Model: _____ Lic# _____

Brief description of goods or services to be offered:

Last three cities, villages or towns where applicant conducted similar business:

Has the Applicant/Seller operated under other names (aliases) or been convicted of any crime or ordinance violation related to applicants' transient merchant business within the last five (5) years. Note other aliases and/or the nature of the offences and places of conviction:

Date _____ Signature _____

Date _____ Chief of Police Approval _____

NOTE: Each and every member of a group must file a separate registration form. The fee for a direct seller's, solicitor's or canvasser's license shall be: Ten dollars (\$10.00) per day, Twenty dollars (\$20.00) per week; Fifty dollars (\$50.00) per month; Two hundred fifty dollars (\$250.00) per year. Allow three (3) days for investigation of registration/application. A copy of the Village Ordinance concerning Regulations of Direct Sellers Ordinance is available at the Village Office.

ARTICLE IV. DIRECT SELLERS**Sec. 22-161. 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 includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.

Clerk means the village administrator.

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

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

Permanent merchant means a direct seller who, for at least one year prior to the consideration of the application of this article to such merchant, has continuously:

- (1) Operated an established place of business within the village; or
- (2) Resided in the village and now does business from his residence.

Person means all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

(Code 1988, § 7-4-2)

Cross reference—Definitions generally, § 1-2.

Sec. 22-162. Registration required.

It shall be unlawful for any direct seller to engage in direct sales within the village without being registered for such purpose as provided in this article.
(Code 1988, § 7-4-1)

Sec. 22-163. Exemptions.

The following shall be exempt from the provisions of this article requiring the payment of a license fee, but shall comply with the registration requirements and other regulations of this article:

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (2) Any person selling goods at wholesale to dealers in such goods;

- (3) Any person selling agricultural products which such person has grown;
- (4) Any permanent merchant, or employee thereof, who takes orders away from the established place of business for goods regularly offered for sale by such merchant within the county and who delivers such goods in their regular course of business;
- (5) Any person who has an established place of business where the goods 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, such person;
- (6) 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;
- (7) Any person selling, or offering for sale, a service unconnected with the sale, or offering for sale, of goods;
- (8) Any person holding a sale required by statute or order of any court, and any person conducting a bona fide auction sale pursuant to law;
- (9) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that proof is submitted to the village administrator that such charitable organization is registered under Wis. Stats. § 440.41, or if such organization is exempt from such statute's registration requirements, it shall be required to register under this article, and a list of individual charitable solicitors shall also be filed with the village administrator;
- (10) Any person who claims to be a permanent merchant, but against whom complaint has been made to the village administrator that such person is a transient merchant, provided that proof is submitted to the village administrator that such person has leased for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in the village for at least one year prior to the date the complaint was made.

(Code 1988, § 7-4-3)

Sec. 22-164. Registration form; fee; appointment of village administrator as agent to accept service of process.

(a) Applicants for registration must complete and return to the village administrator a registration form furnished by the village administrator, which shall require the following information:

- (1) Name, permanent address and telephone number, and temporary address, if any;
- (2) Height, weight, color of hair and eyes, and date of birth;
- (3) Name, address and telephone number of the person that the direct seller represents or is employed by, or whose merchandise is being sold;

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§ 22-164

- (4) Temporary address and telephone number from which the business will be conducted, if any;
 - (5) Nature of business to be conducted and a brief description of the goods and any services offered;
 - (6) Proposed method of delivery of the goods, if applicable;
 - (7) Make, model and license number of any vehicle to be used by the applicant in the conduct of his business;
 - (8) Last cities, villages and towns, not to exceed three, where the applicant conducted similar business just prior to making the registration;
 - (9) Place where the applicant can be contacted for at least seven days after leaving the village;
 - (10) Statement as to whether the applicant has been convicted, within the last five years, of any crime or ordinance violation related to the applicant's transient merchant business, the nature of the offense and the place of conviction.
- (b) Applicants shall present the following to the village administrator for examination:
- (1) A driver's license or other proof of identity, as may be reasonably required;
 - (2) A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (3) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law, and such certificate shall state that the applicant is apparently free from any contagious or infectious disease, and shall be dated not more than 90 days prior to the date the application for a license is made.
- (c) At the time the registration is returned, a fee shall be paid to the village administrator to cover the cost of processing the registration. Each and every member must file a separate registration form. The fee for a direct seller's, solicitor's or canvasser's license shall be set from time to time by the village board and is on file in the village offices, and shall be valid for a term of one year from the date of issuance.
- (d) The applicant shall sign a statement appointing the village administrator as his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant if the applicant cannot, after reasonable effort, be served personally.
- (e) Upon payment of the registration fee and the signing of the statement as set forth in this section, the village administrator shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in section 22-165(b). (Code 1988, § 7-4-4; Res. of 9-2-1992, § 7-4-4(c))

Sec. 22-165. Investigations.

(a) Upon receipt of each application, the village administrator may immediately refer the application to the chief of police, who may make and complete an investigation of the statements made in the registration.

(b) The village administrator shall refuse to register the applicant if it is determined, pursuant to the investigation as set forth in subsection (a) of this section, that:

- (1) The application contains any material omission or materially inaccurate statement;
- (2) Complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business;
- (3) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or
- (4) The applicant failed to comply with any applicable provision of section 22-164(b).

(Code 1988, § 7-4-5)

Sec. 22-166. Appeals.

Any person who is denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the village board or, if no appeal procedure has been adopted, then under the provisions of Wis. Stats. §§ 68.07—68.16. (Code 1988, § 7-4-6)

Sec. 22-167. Regulations.

(a) *Prohibited practices.*

- (1) A direct seller shall be prohibited from:
 - a. Calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m., except by appointment;
 - b. Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of a similar meaning;
 - c. Calling at the rear door of any dwelling place; or
 - d. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller 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. Such portion shall be expressed as a percentage of the sale price of the goods.

- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. All traffic and parking regulations shall be observed where sales are made from vehicles.
 - (4) No direct seller shall make any loud noise or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
 - (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.
- (b) *Disclosure requirements.*
- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
 - (2) In accordance with the procedure as set forth in Wis. Stats. § 423.203, if any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, and the seller shall give the buyer two copies of a typed or printed notice of such fact, which notice shall conform to the requirements of Wis. Stats. § 423.203(1)(a)(b) and (c)(2) and (3).
 - (3) If the direct seller takes a sales order for the later delivery of goods, he 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.
- (Code 1988, § 7-4-7)

Sec. 22-168. Records.

The chief of police shall report to the village administrator all convictions for violations of this article, and the village administrator shall note any such violation on the record of the registrant convicted of such violation.

(Code 1988, § 7-4-8)

Sec. 22-169. Registration revocation.

- (a) Registration may be revoked by the village board after notice and hearing if the registrant:
 - (1) Made any material omission or materially inaccurate statement in the application for registration;
 - (2) Made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales;
 - (3) Violated any provision of this article; or

- (4) Was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be personally served on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of the hearing and a statement of the acts upon which the hearing will be based.
(Code 1988, § 7-4-9)

Secs. 22-170—22-200. Reserved.