

Village of

Little Chute

I, _____, have received a copy of the Village of Little Chute's ordinance for direct sellers permits (Sec. 10-104 thru 10-112), explaining the rules and regulations of soliciting in the Village of Little Chute.

By signing this form, I agree that these rules and regulations are understood and that I will abide by these rules and regulations. I understand that if I fail to abide by these rules and regulations, that my permit may be revoked.

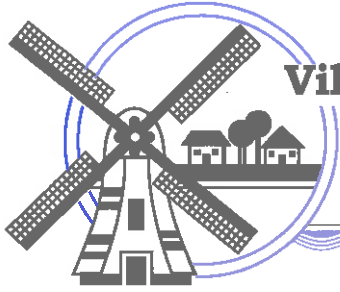
I hereby appoint the Village Clerk as my agent to accept service of process in any civil action brought against me arising out of any sale or service performed by me in connection with my direct sales activities, in the event I cannot, after reasonable effort, be served personally.

Signed: _____

Date: _____

Received and witnessed by:

Date: _____



Village of

Little Chute

REGISTRATION FOR PEDDLERS, SOLICITORS, CANVASSERS & TRANSIENT MERCHANTS

Type of Merchandise or Service: _____

Name of Applicant: _____
(Last) (First) (MI)

Home Address of Applicant: _____
(Street) (City) (State) (Zip)

Date of Birth: _____ Telephone: _____ Sex: Male or Female

If a temporary address and phone are being used please list: _____

Name of Employer (firm): _____ Telephone: _____

Address of Employer: _____
(Street) (City) (State) (Zip)

NOTE: If employees are minors, you must show proof of State Street Trade Permit pursuant to WI ACT 113

Site Location or Method of Delivery: _____

Vehicle Identification: Make & Color: _____ License: _____ State: _____

List the last two communities that you worked and registered in:

1. _____

2. _____

Have you been convicted of any crime or ordinance violation related to transient merchant business within the last five (5) years?
Circle correct answer: Yes or No If you answered yes, please list the offense and place of conviction:

(Over)

In signing this application, the applicant agrees to abide, along with all agents of his/her respected company, or organization, by the following conditions:

1. The applicant agrees that solicitation will only occur between the hours of 9:00 a.m. to 9:00 p.m.
2. The applicant agrees that no pressure tactics will be used. If a resident indicates that they are not interested in the product, continued sales pressure will not occur;
3. The applicant agrees that this registration form WILL be produced to any resident or law enforcement officer upon request; and
4. The applicant agrees not to mislead any resident regarding the product, or service, that is being sold or solicited; and

NOTE: ANY VALID AND SUBSTANTIATED COMPLAINT WILL RESULT IN REVOCATION OF THE REGISTRATION.

NOTE: FAILURE TO PROVIDE ALL REQUESTED INFORMATION ON THIS APPLICATION WILL RESULT IN THE NONISSUANCE OF THIS PERMIT

Date of Approval _____

Dates Permitted to solicit: _____ to _____

Community Permitted to Solicit In: _____

STATE OF WISCONSIN }
 } SS
 COUNTY OF OUTAGAMIE }

_____ Being first duly sworn on oath, deposes and says that he/she is the applicant named in the forgoing registration, and that he/she has read (or had read) each of the questions or statements in said registration, that he/she has made a complete answer to each question or statement and that said answer in each instance is correct and true.

*****At the time of signing the Applicant must show an official photo Identification card.*****

Signature of Applicant

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____

Recommendation by Police Department
Granted: _____ Denied: _____

Notary Public/Signature

Chief of Police

ARTICLE V. - DIRECT SELLERS

Sec. 10-104. - Registration required.

It shall be unlawful for any direct seller to engage in direct sales within the village without being registered for that purpose as provided herein.

(Code 2006, § 7-4-1)

Sec. 10-105. - 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 means and includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.

Direct seller means any individual who, for himself, or for a partnership, association or corporation, sell goods, or takes sales orders for the later delivery of goods, 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 includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

Goods means and includes 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 one year prior to the consideration of the application of this article to said merchant has continuously:

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

(Code 2006, § 7-4-2)

Sec. 10-106. - 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;
- (2) Any person selling goods at wholesale to dealer in such goods;
- (3) Any person selling agricultural products which such person has grown;
- (4) Any permanent merchant or employee thereof who takes order away from the established place of business for goods regularly offered for sale by such merchant within this 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, said 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 persons 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 by 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 said organization, provided that there is submitted to the village clerk proof that such charitable organization is registered under Wis. Stats. § 440.41, or which is exempt from that statute's registration requirements, shall be required to register under this article;
- (10) Any person who claims to be a permanent merchant, but against whom complaint has been made to the police department that such person is a transient merchant, provided that there is submitted to the police department proof 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 this village for at least one year prior to the date complaint was made.

(Code 2006, § 7-4-3)

Sec. 10-107. - Registration.

- (a) *Form; contents.* Applicants for registration must complete and return to the police department a registration form furnished by the police department which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 - (3) Temporary address and telephone number from which business will be conducted, if any;
 - (4) Nature of business to be conducted and a brief description of the goods offered and any services offered;
 - (5) Proposed method of delivery of goods, if applicable;
 - (6) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (7) Last cities, villages, town, not to exceed three, where applicant conducted similar business just prior to making this registration;
 - (8) Place where applicant can be contacted for at least seven days after leaving this village;
 - (9) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction.
- (b) *Documentation.* Applicants shall present to the police department for examination:
 - (1) A driver's license or some 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 applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (3)

A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) *Payment of fee; service of process acceptance.*

- (1) At the time the registration is returned, a fee shall be paid to the police department to cover the cost of processing said registration. Each and every member of a group must file a separate registration form. The amount of the license fee for transient merchants or direct sellers shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code. The licensee may employ one assistant without extra payment of an additional license.
- (2) The applicant shall sign a statement appointing the village clerk 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, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fee and the signing of said statement, the police department shall register the applicant as a direct seller and date the entry.

(Code 2006, § 7-4-4; Ord. No. 2(Ser. of 2001), 2-21-2001)

Sec. 10-108. - Investigation.

- (a) Upon receipt of each application, the chief of police may make and complete an investigation of the statements made in such registration.
- (b) The chief of police shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; 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; 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 the applicant failed to comply with any applicable provision of this subsection.

(Code 2006, § 7-4-5)

Sec. 10-109. - Appeal.

Any person denied registration may appeal the denial through the appeal procedure by ordinance or resolution of the village board or, if none has been adopted, under the provisions of Wis. Stats. §§ 68.07 through 68.16.

(Code 2006, § 7-4-6)

Sec. 10-110. - Regulation of direct sellers.

(a) *Prohibited practices.* The following practices are prohibited by direct sellers:

- (1) A direct seller shall be prohibited from calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or 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. Said 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. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
 - (4) No direct seller shall make any loud noises 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) 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 said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Wis. Stats. § 423.203, the seller shall give the buyer two copies of a typed or printed notice of that fact. Such 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 2006, § 7-4-7)

Sec. 10-111. - Records.

The chief of police shall keep a record of all convictions for violation of this article.

(Code 2006, § 7-4-8)

Sec. 10-112. - Revocation of registration.

- (a) Registration may be revoked by the village board 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 course of engaging in direct sales, violated any provision of this article or 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 served personally on the registrant at least 72 hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(Code 2006, § 7-4-9)