

**DIRECT SELLERS - SOLICITORS PERMIT APPLICATION & REGISTRATION**

**Village of Fall Creek**

According to Village Code §203-1: It shall be unlawful for any direct seller or solicitor to engage in direct sales or solicitations within the Village of Fall Creek without being registered and licensed for that purpose. **A fee of \$25 per day will be required.** Applicants for license must complete and return to the Clerk-Treasurer a registration form which shall require the following:

❖ **APPLICANT INFORMATION**

Date \_\_\_\_\_ Name \_\_\_\_\_

Phone # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Permanent Address \_\_\_\_\_  
\_\_\_\_\_

Temporary Address \_\_\_\_\_  
\_\_\_\_\_

Physical description of person license will be issued to

Height \_\_\_\_\_ Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

Information of any vehicle used by applicant in conduct of sales/soliciting:

Make \_\_\_\_\_ Model \_\_\_\_\_ Plate # \_\_\_\_\_

Last 3 cities, villages and towns where applicant conducted similar sales/solicitation:

1 \_\_\_\_\_ 2 \_\_\_\_\_

3 \_\_\_\_\_

Place where applicant can be contacted for at least 7 days after leaving the Village of Fall Creek

❖ **REPRESENTATIVE INFORMATION**

Information of person, firm, association, company or corporation represented (whose merchandise is being sold):

Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

Temporary Address from which sales/soliciting will be conducted

Temporary Phone # \_\_\_\_\_

❖ **SALES INFORMATION**

Nature of sales/solicitation to be conducted and brief description of the goods and/or services offered

Proposed dates and times of sales/solicitations \_\_\_\_\_

Proposed method of delivery of goods \_\_\_\_\_

❖ **CONFIRMATION & PROOF**

Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's sales/solicitations or other transient merchant activities within the last 5 years, the nature of the offense and the place of conviction:

According to Village Code - Chapter 203-5.B. Applicants shall present the following items for examination:

- Copy of driver's license or some other proof of identity
- State Certification of Examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighting and measuring devices approved by state authorities.
- 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 such certificate to state that the 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.

❖ **OFFICE USE**

\$25.00 per day fee paid on \_\_\_\_\_

Approved

Denied

Date \_\_\_\_\_

Police Chief Signature \_\_\_\_\_

Date \_\_\_\_\_

Clerk-Treasurer Signature \_\_\_\_\_

## PEDDLING AND SOLICITING Information

Taken from Village Code Chapter 203: Peddling and Soliciting

- (203-1) It shall be unlawful for any direct seller or solicitor to engage in direct sales or solicitations within the Village of Fall Creek without being registered and licensed for that purpose as provided herein.

**EXEMPTIONS:** (203-3)

- ▶ Any person delivering newspapers, dairy products or bakery goods to regular customers on established routes.
- ▶ Any person selling goods at wholesale to dealers in such goods.
- ▶ Any farmer or truck gardener selling agricultural products of the farm or garden occupied or cultivated by such person.
- ▶ 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 this county and who delivers such goods in his or her regular course of business.
- ▶ 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.
- ▶ 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 a prospective customer.
- ▶ 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.
- ▶ Any person who claims to be a permanent merchant by against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Clerk-Treasurer proof that such person has purchased or leased for at least one year the premises from which he/she 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.
- ▶ ANY RELIGIOUS ORGANIZATION for which there is provided proof of tax-exempt status pursuant to Section 501(c)(3) of the United States Internal Revenue Code shall be exempt from filling out an Application-Registration form, paying a fee, and a Police Investigation. They must provide the Clerk-Treasurer with the following information:
  - Individual's name and permanent address
  - Name and address of the organization represented
  - Name and address of the officers or directors of the organization
  - Nature of the sales or solicitations
  - Proposed dates and time of sales or solicitations

A license, operative for the dates provided to the Clerk-Treasurer, shall be issued without charge upon compliance with the foregoing. The Clerk-Treasurer shall then forward the information and notice of the issuance of a license to the Chief of Police.

- ▶ ANY VETERAN who holds a special state license pursuant to W.S.A. s.440.51 shall be exempt from filling out the Application-Registration form, paying a fee, and a Police Investigation. They must provide the Clerk-Treasurer with the following information:
  - Veteran's name and permanent address
  - Nature of the sales or solicitations
  - Proposed dates and time of sales or solicitations

The Clerk-Treasurer will then forward the information to the Chief of Police.

- CHARITABLE ORGANIZATIONS are exempt if the organization has provided the individual representing it with credentials stating the name of the organization, the name of the representative and the purpose of the solicitation.

They must provide the Clerk-Treasurer with the following information:

- Individual's name and permanent address
- Name and address of the organization represented
- Name and address of the officers or directors of the organization
- Nature of the sales or solicitations
- Proposed dates and time of sales or solicitations

A license, operative for the dates provided to the Clerk-Treasurer, shall be issued without charge upon compliance with the foregoing. The Clerk-Treasurer shall then forward the information and notice of the issuance of a license to the Chief of Police.

(203-4)

Non exemptions:

Any charitable organization engaging in the sale of merchandise and not registered under W.S.A. s.440.41 et seq. or which is exempt from that statute's registration requirements shall be required to register under this article.

Charitable organizations that require a donation for a donor to retain goods being offered, specifically out-of-town organizations, shall be required to register under this article.

(203-6)

Upon receipt of the completed registration form, the Clerk-Treasurer will refer it to the Chief of Police to make an investigation.

The Clerk-Treasurer can refuse to issue a license to the applicant for any of the following reasons:

- The application contains any material omission or materially inaccurate statement.
- Complaints of a material nature have been received against the applicant by authorities in any of the last three cities, villages or towns in which the applicant conducted similar business.
- The applicant failed to present ID or necessary certificate(s) requested by Clerk-Treasurer.

Appeal process:

Any person denied application for a license may appeal such action by filing with the Village Board, within 14 days after written notice of the denial, a written statement requesting a hearing and setting forth the grounds for the appeal. The Village Board shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 72 hours prior to the time set for the hearing.

Issuance of License:

- The license shall be operative only during the days requested on the registration form.
- Registrants shall exhibit their license at the request of any citizen or police officer.
- Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is NOT a resident of Eau Claire County, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin shall file with the Clerk-Treasurer a surety bond, for a term of one year from the date of issuance of a license, running to the village, in the amount of \$5000, with surety acceptable to the Village President, conditioned that the applicant comply with all applicable ordinances of this village and statutes of the State of WI regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of this village that all money paid as a down payment will be accounted for and applied according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the clerk of the court in which the suit is commenced and be relieved of all further liability.

**PROHIBITED PRACTICES:** (203-8A)

- ▶ A direct seller or solicitor cannot call at any dwelling or other place between the hours of 8:00 p.m. and 9:00 a.m. except by appointment.
- ▶ A direct seller or solicitor cannot call at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning.
- ▶ A direct seller or solicitor cannot call at the rear door of any dwelling place.
- ▶ A direct seller or solicitor cannot remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- ▶ A direct seller or solicitor cannot misrepresent the quality, quantity or character of goods or services represented. A direct seller representing a charitable or religious organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable or religious purpose for which the individual is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods or services.
- ▶ –cannot impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales or solicitations are made from vehicles, all traffic and parking regulations shall be observed–
- ▶ –cannot make any loud noises or use any sound-amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- ▶ –cannot allow rubbish or litter to accumulate in or around the area in which he/she is conducting business or making solicitations.

**DISCLOSURE REQUIREMENTS:** (203-8B)

- ▶ After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller or solicitor shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
- ▶ If any sale of goods or services is made by a direct seller or any sales order for the later delivery of goods or services 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, if in accordance with the procedure as set forth in W.S.A. s. 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 W.S.A. ss. 423.203(1)(a), (b) and (c) and 423.203(3).
- ▶ If the direct seller takes a sales order for the later delivery of goods, he/she 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 guaranty or warranty is provided and, if so, the terms thereof.

**RECORDS OF VIOLATIONS AND COMPLAINTS:** (203-9)

The Chief of Police shall report to the Clerk-Treasurer all convictions for violations of this article, and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted. The Clerk-Treasurer shall note any complaint or report of an alleged violation made by a resident of this village or a police officer.

**REVOCAION OF LICENSE; NOTICE OF HEARING:** (203-10)

The registrant's license 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 or solicitation; 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 or solicitations.

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 shall contain the time and place of hearing and a statement of the acts or omissions upon which the hearing will be based.

**VIOLATIONS AND PENALTIES:** (203-11)

Any person adjudged in violation of any provision of this article shall forfeit not less than \$10 nor more than \$1000 for each violation per day plus costs of prosecution. Each violation constitutes a separate offense.

## Statement of Waiver

According to Village Code Chapter 203-5 D:

No application shall be processed until the applicant signs a statement appointing the Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant in connection with the direct sales of solicitation activities.

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

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Signature of Applicant

## Applicants Who Intend To Take Sales Orders and Down Payments

According to Village Code Chapter 203-7 D:

Every applicant who intends to take sales orders and down payments for the later delivery of goods and services and is not a resident of Eau Claire County, Wisconsin, or who is such a resident and represents a business or organization whose principal place of business is located outside the State of Wisconsin shall file with the Clerk-Treasurer a surety bond, for a term of one year from the date of issuance of a license, running to the village, in the amount of \$5000, with surety acceptable to the Village President, conditioned that the applicant comply with all applicable ordinances of this village and statutes of the State of Wisconsin regulating peddlers, canvassers, solicitors and transient merchants. Such bond shall guarantee to any citizen of this village that all money paid as a down payment will be accounted for and applied according to the representations of the seller. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. The surety may, pursuant to a court order, pay the face amount of the bond to the clerk of court in which the suit is commenced and be relieved of all further liability.

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Date of Receipt of Surety Bond