

**APPLICATION FOR REGISTRATION
BY DIRECT SELLER**

Applicant will complete all parts of this application; if inapplicable write "none."

1. Name: _____
Permanent Address: _____
City: _____ State: _____ ZIP Code: _____
Telephone: Home: () _____
Cell: () _____

Temporary Address (if any) _____
City: _____ State: _____ Zip Code: _____
Telephone: Home: () _____
Cell: () _____

2. Date of Birth: ____/____/____ Age: _____ Sex: _____
Height: _____ Weight: _____ Hair: _____ Eyes: _____

3. Provide the following information about the person, firm, association or corporation by whom you are employed, or represent:

Name: _____
Address: _____
City: _____
State: _____ ZIP Code: _____
Telephone: () _____

4. List the temporary address and telephone number from which the business will be conducted, if any:

Address: _____
City: _____
State: _____ ZIP Code: _____
Telephone: () _____

5. Briefly describe the nature of your business, and the goods and services, if any, that will be offered:

6. By what method will delivery of goods be made?

7. Describe your motor vehicle by listing the: Make: _____
Model: _____ License Number: _____

8. List the last three towns, villages, or cities in which you conducted a similar business: _____

9. State the place where you can be contacted for a period of at least seven days after leaving this Village: _____

10. State whether you ever been convicted of any crime or ordinance violation in connection with your transient merchant business. _____ YES _____ NO
If yes, state nature of offense and place of conviction: _____

11. Read and sign the following statement:
I, _____, hereby appoint the Village Administrator of the Village of Sauk City, Sauk County, Wisconsin, 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 the direct sales activities by me, in the event that I cannot, after reasonable effort, be served personally.

Witness

Signature

12. Date of this application: _____

Office Checklist

<u>YES</u>	<u>NO</u>
_____	_____ Seventy-five (75) dollar fee collected
_____	_____ Referred to Police Department for investigation
_____	_____ Proof of identity checked
_____	_____ Weights and Measures certificate required
_____	_____ Health certificate required
_____	_____ Applicant registered and approved
_____	_____ "Prohibited Practices" and "Disclosure Requirements" information given to Applicant

§ 146-7. Prohibited practices; disclosure requirements.

A. Prohibited practices.

- (1) A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment, 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, or remaining on any premises after being asked to leave by the person in charge of the 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/her visit, his/her identity or the identity of the organization he/she 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 one-hundred-foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she 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/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.
- (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, in accordance with the procedure as set forth in § 423.203, Wis. Stats. 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 § 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.
- (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

guarantee or warranty is provided and, if so, the terms thereof.

§ 146-8. Record of violations.

The Chief of Police shall report to the Administrator all convictions for the violation of this chapter, and the Administrator shall note any such violation on the record of the registrant convicted.

§ 146-9. 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 chapter 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 shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

§ 146-10. Sales and vending on municipal property.¹

- A. Registration required. It shall be unlawful for any direct seller to engage in direct sales upon municipally owned property without being registered for that purpose.
- B. Definitions. As used in this section, the following terms shall have the meaning indicated:

DIRECT SELLER — As defined in § 146-2 of this chapter and shall include, but not be limited to, peddlers, solicitors, transient merchants and produce vendors.

GOODS — As defined in § 146-2 of this chapter.

MUNICIPALLY OWNED PROPERTY — Includes any and all property owned by the municipality for any purpose, including but not limited to parks, streets, parking lots, easements, accessways, and buildings.

- C. Registration; fee.
 - (1) Applicants for registration shall submit a registration form as required by § 146-4A and B. The applicant shall indicate on the application form the estimated length of time the applicant intends to conduct direct sales on municipal property.
 - (2) At the time the registration is returned, a fee as set by the Village Board shall be paid to the Village Administrator to cover the cost of processing such registration.
 - (3) Upon payment of said fee and the signing of said statement, the Village

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Administrator shall place on the agenda for the next applicable Village Board meeting the application for approval or denial by the full Village Board. In the event the Village Board approves the application, the Village Administrator shall register the applicant. Such registration shall be valid for a period of three months from the date of issuance.

- D. Investigation. The Village Administrator may refer the application to the Chief of Police for an investigation as provided in § 146-5.

§ 146-11. Violations and penalties.²

For a violation of any provision of this chapter the penalty shall be a forfeiture of not less than \$25 nor more than \$200 together with costs of prosecution.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

