

Solicitors Application

Peddlers, Canvassers, Solicitors, Charitable
Organizations, Transient Merchants & Other
Street Merchants & Street Trades
Village of Maple Bluff
18 Oxford Place
Madison, WI 53704
Phone (608) 244-3048 Fax (608) 244-0179



Per Chapter 110 of the Village of maple Bluff Municipal Code

Applicant: _____

Address: _____

City, State, Zip: _____

Phone Number: _____ Cell Number: _____

E-mail Address: _____

Date of Birth: _____ Social Security #: _____

Driver's License #: _____ State: _____

Phone Number: _____ Cell Number: _____

Height: _____ Weight: _____ Sex: _____ Eyes: _____ Hair: _____

Name of Business or Employer: _____

Business Address: _____

City, State, Zip: _____

Phone Number: _____

Brief description or nature of business and/or goods to be sold: _____

Date(s) you intend to do business in Maple Bluff: _____

Hours of the day: _____

Source of goods or property you will sell: _____

Where are such goods or property located now: _____

How and when will goods or services be delivered to the buyers: _____

(State permit is required if delivery to buyer is immediate)

Names and addresses of at least two property owners in Dane county who will certify to your good character and business responsibility:

List all residences during the past five years:

Date	Street Address	City, State, Zip
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Have you ever been convicted of the following violations: (Circle appropriate answer)

Felonies	No	Yes	(List Below)
Misdemeanors (past 5 years)	No	Yes	(List Below)
Traffic Offenses & Local Ordinances (past 5 years)	No	Yes	(List Below)

Date	Location	Offense	Disposition
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Last three cities/villages/towns where you conducted similar business:

Applicant shall present the following items to the Village Clerk for examination:

- Driver's License/proof of identity
- Proof of relationship to employer _____
- State Certificate of Examination and Approval from the Sealer of Weights and Measures (when applicant's business requires weighting and measuring devices).
- State Health Officer's Certificate (when the business involves the handling of food or clothing and when the certificate is required by law)
- Doctor's Certificate certifying that applicant is free from any contagious or infectious diseases (when business involves the handling of food or clothing).

Other _____

Description of vehicles used to make solicitations: _____

Every applicant who intends to take sales orders and down payments for later delivery of goods and services who is not a resident of Dane county, or who is 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 a Surety Bond in the amount of \$5,000.00 to the Village for a term of one year from date of License with such surety acceptable to the Village Administrator.

Proper surety Bond has been filed? Yes No

I, _____, applicant for Registration/License under Chapter 110 of the Municipal Code of the Village of Maple Bluff, hereby appoint _____, Police Chief of the Village of Maple Bluff, my agent to accept service and process in any civil action brought against me arising out of any sale, service performed or solicitation activities by me in the event that I cannot, after reasonable effort be served personally.

Applicant's Signature: _____

I have read Chapter 110 of the Municipal Code of the Village of Maple Bluff and understand fully the prohibitive practices relating to my License application and agree to comply with those requirements:

Date: _____ Applicant's Signature: _____

I, _____, being duly sworn on oath, say that I am the person who made and signed the foregoing application for a Solicitor's License, and that all statements are true.

Date: _____ Applicant's Signature: _____

Notary Public, Dane county, Wisconsin, subscribed and sworn before me this _____ Day

My commission expires _____ of _____ 20_____.

Signature of Notary Public _____

INVESTIGATION

Investigator finds no reason why this License should not be granted.

Investigator cannot recommend this application for the reasons contained in the attached report.

Case No. _____

INVESTIGATOR'S SIGNATURE _____

Date _____

FEES

Fee Collected _____ Received by _____

Date _____

APPROVAL

Action: Approved Disapproved

By: _____, Police Chief

License expires on December 31, 20 ____

Chapter 110: DIRECT SELLERS AND SOLICITORS

[HISTORY: Adopted by the Village Board of the Village of Maple Bluff 4-9-1992 (S 12.04 of the 1986 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]

S 110-1. Registration required.

It shall be unlawful for any direct seller or solicitor to engage in direct sales or solicitations within the Village of Maple Bluff without being registered for that purpose as provided herein.

S 110-2. Definitions.

In this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one •purporting to such.

DIRECT SELLER — Any individual who, for him/herself or for 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 said individual, partnership, association or corporation and shall include but not be limited to peddlers 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 shall include goods provided incidental to services offered or sold.

PERMANENT MERCHANT — A direct seller who, for at least one year prior to the consideration of the application of this chapter to said merchant, has continuously operated an established place of business in this Village or has continuously resided in this Village and now does business from his/her residence.

POLICE DEPARTMENT — The Maple Bluff Police Department.

SOLICITOR — Any individual who, for him/herself or for any other person, organization, society, association or corporation, personally solicits money, property or financial assistance of any kind from persons other than members of such organizations society, association or corporation.

S 110-3. Exemptions.

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

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- B. Any person selling goods at wholesale to dealers in such goods.
- C. Any person selling agricultural products which such person has grown.
- D. 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 regular course of business.
- E. 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.

- F. 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.
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- H. 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 employee, officer or agent of a charitable organization who engages in direct sales or solicitation for or on behalf of said organization, provided that there is submitted to the Police Department proof that such charitable organization is registered under S 440.42, WIS. Stats. Any charitable organization not registered under S 440.42, WIS. Stats., or which is exempt from that statute's registration requirements shall be required to register under this chapter.

- J. 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/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.
- K. Any resident of the Village of Maple Bluff under age 18. (Permitted exceptions include scouting organizations, sport teams, etc.)

S 1104. Registration procedure.

- A. Applicants for registration must complete and return to the Police Department a registration form furnished by the Department which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any.
 - (2) Age, height, weight, and color of hair and eyes.
 - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller or solicitor represents or is employed by or whose merchandise is being sold.
 - (4) Temporary address and telephone number from which business will be conducted, if any.
 - (5) Nature of business to be conducted and a brief description of the goods offered and any services offered, if applicable.
 - (6) Proposed method of delivery of goods, if applicable.
 - (7) Make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business.
 - (8) Last cities, villages, towns, not to exceed three, where the applicant conducted similar business.
 - (9) Place where the applicant can be contacted for at (east seven days after leaving this Village.
 - (10) For direct sellers, a statement as to whether the applicant has been convicted of any crime or ordinance violation related to applicant's business within the last five years, the nature of the offense and the place of conviction.
- B. 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 the applicant's business requires use of weighing and measuring devices approved by state authorities.
 - (3) A state health officers 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 registration is made,
- C. At the time the registration is returned, a fee as set by the Village Board shall be paid to the Police Department to cover the cost of processing said registration.
 - D. The applicant shall sign a statement appointing the Police Chief his/her 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 or soliciting activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - E. Upon payment of said fee and the signing of said statement, the Police Department shall register the applicant as a direct seller or solicitor and date the entry. Said registration shall be valid for a period of one calendar year from the date of entry, subject to subsequent refusal as provided in S 180-5B below.

S 110-5. Investigation.

- A Upon receipt of each application, the Police Department shall make and complete an investigation of the statements made in such registration.
- B The Police Chief shall refuse to register the applicant if it is determined, pursuant to the investigation above, 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) In the case of application for registration as a direct seller, 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 S 180-4B above.

S 110-6. Appeals.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution Of the Village Board or, if none has been adopted, under the provisions of SS 68.07 through 68.161 WIS. Stats.

S 110-7. Prohibited practices; disclosure requirements.

A. Prohibited practices.

- (1) Direct sellers and solicitors shall be prohibited from calling at any dwelling or other place between the hours of 6:00 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 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/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

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 S 423.203, 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 S 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.

S 1104. Records.

The Police Department shall keep records of all convictions for violation of this chapter and note any such violation on the record of the registrant convicted.

S 110-9. 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 or solicitations, violated any provision of this chapter or, in the case of direct sellers, 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.

S 110-10. Violations and penalties.

Any person convicted of violating any provisions of this chapter shall be subject to the penalties set forth in S 14 for each violation plus costs of prosecution. Each violation shall constitute a separate offense.