



# CITY OF LAKE GENEVA

## DIRECT SELLER PERMIT APPLICATION

PLEASE FILL IN ALL BLANKS COMPLETELY, AS INCOMPLETE APPLICATIONS  
WILL BE REJECTED. LICENSE EXPIRES ONE YEAR FROM APPLICATION.  
**NON-REFUNDABLE FEE OF \$50.00 IS DUE UPON APPLICATION.**  
**A PHOTO COPY OF APPLICANT DRIVER'S LICENSE MUST BE ATTACHED.**

### APPLICANT INFORMATION

Name: \_\_\_\_\_  
Last First Middle

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

Temporary Address (if any): \_\_\_\_\_

Phone: \_\_\_\_\_

Drivers License #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security #: \_\_\_\_\_

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

### APPLICANT VEHICLE INFORMATION

License Plate #: \_\_\_\_\_

Vehicle Make: \_\_\_\_\_

Model: \_\_\_\_\_ Color: \_\_\_\_\_

### BUSINESS WHERE PERMITEE WILL BE EMPLOYED

Business Owner Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

### PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY

1. Please describe the type of business, including a listing of goods or services offered: \_\_\_\_\_  
\_\_\_\_\_

2. Please describe the method of delivery of business product: \_\_\_\_\_  
\_\_\_\_\_
  
3. Have you ever been convicted of any crime or ordinance violation related to the business of transient merchants in Wisconsin or any other state within the last five (5) years? YES      NO  
If Yes, please provide charge, date and disposition: \_\_\_\_\_  
\_\_\_\_\_
  
4. Please list the last three (3) cities, villages and/or towns in which you have conducted a similar business: \_\_\_\_\_  
\_\_\_\_\_
  
5. Please list place where applicant can be contacted 7 days after leaving the City: \_\_\_\_\_  
\_\_\_\_\_

**I hereby certify that I have received and read a copy of the Lake Geneva City Ordinance 12.05 "Direct Sellers" and fully understand the meaning of this ordinance. Furthermore, I certify that I have not been convicted of any crime or ordinance violation related to transient merchant business within the last five (5) years.**

**APPLICANT SIGNATURE**

\_\_\_\_\_ DATE: \_\_\_\_\_

*For Office Use Only*

Date Filed: _____		
Receipt No: _____		
Total Amount: _____		
Forwarded to Police Chief: _____		
Background Completed: _____		
Recommendation: _____	Approved	Denied
Sent for Identification Badge: _____	Permit Issued: _____	
Copy of Health Certificate, Driver License, and Weights & Measures attached.		

# **DIRECT SELLER PERMIT**

## **Application Requirements & Procedures**

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**Completed Direct Seller Application Form**

Applications are valid for one year from date of approval.

- Copy of Driver's License is required
- Vehicle Information is required
- Copy of Health Certificate or Weights & Measures (if required)
- Copy of any state license or certifications

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**Application Fee Received**

No application is processed without the application fee of \$50.00.

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**Police Chief Approval**

Following application, the Police Chief will review material and approve or deny the application.

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**Photo Identification Badge**

Appointment must be made with the Police Department for a photo ID by calling 248-4455. Identification Badge must be worn at all times during door to door solicitation.

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**Applicant has reviewed Ordinance**

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### **HELPFUL INFORMATION FOR APPLICANTS**

- A. NO BUSINESS IN CITY PARKS**
- B. NO OBSTRUCTION OF A PUBLIC WALKWAY OR STREET**
- C. LITTERING OF MATERIAL CAN RESULT IN CITATION**
- D. BUSINESS TO BUSINESS SALES DO NOT REQUIRE PERMIT**
- E. DIRECT SELLER PERMIT IS FOR DOOR TO DOOR SALES ONLY.**
- F. SELLERS ARE PROHIBITED FROM CALLING BETWEEN THE HOURS OF 9PM AND 9AM, OR APPROACHING A DWELLING THAT DISPLAYS "NO SOLICITORS"**

## ARTICLE VIII. DIRECT SELLERS

### DIVISION 1. GENERALLY

#### Sec. 18-271. 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 any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

*Direct seller* means any individual who, for himself 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 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* means 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 such merchant, has continuously operated an established place of business in the city, or has continuously resided in the city and now does business from his residence.

(Code 1992, § 12.05(2))

**Cross references:** Definitions generally, § 1-2.

#### Sec. 18-272. 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 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 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 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 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 such organization, provided that there is submitted to the clerk proof that such charitable organization is registered under W.S.A., § 440.41. Any charitable organization not registered under W.S.A., § 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 clerk that such person is a transient merchant; provided, however, that there is submitted to the clerk 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 for at least one year prior to the date the complaint was made.

(Code 1992, § 12.05(3))

**Sec. 18-273. Prohibited practices.**

- (a) 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 place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (b) 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 shall 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.
- (c) 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.
- (d) 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.
- (e) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(Code 1992, § 12.05(7)(a))

**Sec. 18-274. Disclosure requirements.**

- (a) 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.
- (b) 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, in accordance with the procedure as set forth in W.S.A., § 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., § 423.203(1)(a)--(c), (2), (3).
- (c) 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; and the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms of such guarantee or warranty.

(Code 1992, § 12.05(7)(b))

**Sec. 18-275. Records.**

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

(Code 1992, § 12.05(8))

Secs. 18-276--18-290. Reserved.

**DIVISION 2. REGISTRATION**

**Sec. 18-291. Required.**

No direct seller shall engage in direct sales within the city without being registered for that purpose as provided in section 18-292.

(Code 1992, § 12.05(1))

**Sec. 18-292. Application; contents; presentation of documents; fee; issuance of permit.**

- (a) *Contents of registration form.* Applicants for registration shall complete and return to the clerk a registration form furnished by the clerk which shall require the following information:

- (1) Name, permanent address and telephone number and temporary address, if any;
  - (2) Age, height, weight, color of hair and eyes;
  - (3) 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;
  - (4) Temporary address and telephone number from which business shall be conducted, if any;
  - (5) Nature of business to be conducted and a brief description of the goods offered and any services offered;
  - (6) Proposed method of delivery of goods, if applicable;
  - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
  - (8) Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
  - (9) Place where applicant can be contacted for at least seven days after leaving the city; and
  - (10) A 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) *Examination of documents.* Applicants shall present to the clerk 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 the 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. Such certificate shall 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 the license is made.
- (c) *Fee for registration.* At the time the registration is returned, the fee required by section 18-56 shall be paid to the clerk to cover the cost of processing such registration, and the applicant shall sign a statement appointing the 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, if the applicant cannot, after reasonable effort, be served personally. Upon payment of the fee and the signing of the statement, the clerk 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 18-293(b).
- (d) *Issuance of permit.* Upon registration by the clerk as a direct seller and all is in order,

the clerk shall issue a direct seller's permit. This procedure applies also to charitable organizations not registered under W.S.A., § 440.41.

(Code 1992, § 12.05(4))

**Sec. 18-293. Investigation of applicant.**

- (a) Upon receipt of each application, the clerk may refer it immediately to the chief of police who may make and complete an investigation of the statements made in such registration.
- (b) The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation of subsection (a) of this section, 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 section 18-292(b).

(Code 1992, § 12.05(5))

**Sec. 18-294. Appeal.**

Any person denied registration may appeal the denial through the appeal procedure provided by chapter 2.

(Code 1992, § 12.05(6))

**Sec. 18-295. Revocation.**

- (a) Registration may be revoked by the city council, after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application of 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 shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(Code 1992, § 12.05(9))

Secs. 18-296--18-320. Reserved.