

VILLAGE OF HEWITT
Hewitt, Wisconsin 54441

Ordinance 1992.30

***TRANSIENT MERCHANTS, PEDDLERS, SOLICITORS,
AND OTHER DIRECT SELLERS***

The Village Board of the Village of Hewitt, Wood County, Wisconsin, does ordain as follows:

SECTION 1 - REGISTRATION REQUIRED

No person shall engage indirect sales within the Village of Hewitt without being registered for that purpose as provided herein.

SECTION 2 - DEFINITIONS

A. DIRECT SELLER:

Any individual who sells goods, or takes sales orders for 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 limited to; peddlers, truckers, 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.

B. PEDDLER:

Any person who peddles goods, wares or merchandise within the Village of Hewitt either on foot or by vehicle, motorized or not.

C. TRUCKER:

A person who transports produce not grown by himself, in a truck or other vehicle, from a point outside of or within the State, and who sells the same directly from such vehicle without advance orders.

D. SOLICITOR:

Any person who attempts to obtain orders for goods or services of any kind by telephone or personal call to, or at any residence within the Village of Hewitt, without prior invitation from the occupant of such residence and who is a transient merchant as defined below.

E. TRANSIENT MERCHANT:

A person who engages in the vending or sale of merchandise, including books and magazines, at retail within the Village of Hewitt without advance order or orders who does not intend to become, and who does not become, a permanent merchant as defined below.

- F. **PERMANENT MERCHANT:**
A direct seller who has continuously operated an established place of business in the Village of Hewitt or has continuously resided in the Village and does business from his residence.
- G. **GOODS:**
Personal property of any kind, including goods provided incidental to services offered or sold.
- H. **CHARITABLE ORGANIZATION:**
Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

SECTION 3 - EXEMPTIONS

The following shall be exempt from the provisions of this ordinance:

- 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 of 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 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 contract with, and specifically requested a home visit by such 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 employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization. This exemption shall also extend to an individual who is under the direct sponsorship and supervision of a charitable organization, but such organization shall be entitled to an exemption of this kind for not more than four (4) events per year.

SECTION 4 - REGISTRATION

All Transient merchants, peddlers, solicitors and other direct sellers will be required to complete an application, (Copy attached).

A. OTHER REQUIRED INFORMATION:

1. A driver's license or other proof of identity.
2. A State certificate of examination and approval from the Sealer of Weights and Measures, where an applicants business requires the use the weighing and measuring devices approved by State authorities.

B. FEES:

At the time the registration application is returned, a fee of twenty (\$20.00) shall be paid to cover the cost of processing such registration.

C. ISSUANCE OF CERTIFICATE:

Upon payment of such fee, the Village Board or its representative shall register the applicant as a direct seller, date the entry and provide a copy of the application to the seller. Such registration shall be valid for a period of 2 months.

SECTION 5 - REGULATIONS

A direct seller shall be prohibited from:

- A. Calling at any dwelling or other place between the hours of 9 pm and 9 am, except by appointment.
- B. Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors", or words of similar meaning.
- C. Calling at the rear door of any dwelling.
- D. Remaining on the premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- E. 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 the visit, his/her identity or the identity of the organization represented. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods offered will 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.
- F. No direct seller shall make any loud noises or use any sound amplifying device to attract customers.

- G. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- H. A direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, and the identity of goods or services he/she offers to sell.

SECTION 6 - DISPLAY OF PERMIT

The direct seller shall display his/her permit on demand and shall carry said permit on his/her person at all times while engaged in selling activities under such permit in the Village of Hewitt.

SECTION 7 - REVOCATION OF REGISTRATION

Registration may be revoked if the registrant made any omissions or provided inaccurate statements on 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 ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's direct selling.

SECTION 8 - PENALTIES

Any person violating any provision of this ordinance shall forfeit not less than \$20 nor more the \$100 for each violation.

SECTION 9 - EFFECTIVE DATE

This ordinance shall take effect and be in force, from and after its passage and publication as requested by law.


Village President

Date 11-10-92


Village Clerk

Date 11-10-92