

LAFAYETTE COUNTY ORDINANCE NO. 7-1-1.19

TRANSIENT MERCHANTS & SOLICITORS

- (1) **Definitions.** The definitions as stated in Wisconsin Statutes Sections 66.0423 are adopted and incorporated by reference for purposes of this ordinance.
- (2) **Permit Required.** No person shall enter on to any private property in any unincorporated areas of the County for the purpose of soliciting, canvassing or direct sales, without first having applied for and obtained a solicitor's permit from the Lafayette County Sheriff's Department. Any person desiring to secure a solicitor's permit shall apply in person on forms provided by the county along with the appropriate fee.
 - a. **Exceptions:** any Lafayette County resident or business; any person delivering newspapers, fuel, dairy products or bakery items to regular customers on established routes; any person selling merchandise at wholesale to dealers in such merchandise; any person selling agricultural produces which such person has grown; any person who has had a prior business transaction with the prospective customer; any person holding a sale required by statute, order of any court or a bonafide auction sale; an employee, officer or agent of a charitable or nonprofit organization; any person engaged in political activities; and any person while doing business at special events which are under the supervision and control of a local organization or business.
- (3) **Permit Issuance.** The Lafayette County Sheriff's Department shall issue the permit, within three business days, after reasonable investigation that the applicant is of good moral character and proposes to engage in a lawful and legitimate commercial or professional enterprise. Each permit shall be valid for a period of one year from the date of issuance.
- (4) **Prohibited Practices.** No solicitor shall:
 - a. Call at any dwelling or other premises between the hours of 9:00 p.m. and 9:00 a.m., except by appointment.
 - b. Call at any dwelling or other premises where a sign is displayed bearing the words "No Peddlers," "No Solicitors," "No Trespass," or similar language.
 - c. Call at any door other than the main entrance to any dwelling.
 - d. Remain on any dwelling after being asked to leave by the owner, occupant or other person having authority over the premises.
 - e. 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, the identity of the individual and/or any organization represented.

- f. Impede the free use of sidewalks and street by pedestrians and vehicles.
- g. Make any loud noises or use any sound amplifying device to attack customers.
- h. Allow rubbish or litter to accumulate in or around the area in which business is being conducted.

(5) **Permit Denial or Revocation.** A permit may be denied or revoked if:

- a. The application contains any material omission or materially inaccurate statement;
- b. The address or other information in the application cannot be confirmed;
- c. Complaints of a material nature have been received against the applicant by authorities in the last three cities, villages or towns in which the applicant conducted similar business;
- d. The applicant was convicted of a criminal, statutory 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;
- e. The applicant has engaged in fraudulent business practices; or
- f. The applicant failed to comply with any applicable provision of this section.
- g. The applicant violates any provision of this ordinance.

The permit may be revoked for any of the above reasons after notice and hearing to be served personally on the applicant prior to the hearing.

(6) **Penalty.** Any person convicted of violating any provision of this ordinance shall pay a forfeiture of not less than \$50.00 nor more than \$100.00, plus all applicable surcharges, assessments and costs, including prosecution. Each violation shall constitute a separate offense.

- a. Can do provisions for 2nd violations and more than 2, etc.