



# City of Hudson

## Application for Direct Seller License

<b>FOR OFFICE ONLY</b>
License Period:

<b>Part A: APPLICANT INFORMATION</b>			
1. Name of Applicant:			
2. Permanent Address (do not use PO Box)			
3. County	4. Governing Municipality: <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		
5. Temporary Address (if applicable)			
6. City	7. State	8. Zip Code	
9. Applicant Phone	10. Applicant Email		
11. Applicant Driver's License Number:	12. State of Driver's License:	13. Date of Birth:	
14. Hair Color	15. Eye Color	16. Height	17. Weight
18. Place where applicant can be contacted for at least 7 days after expiration of this license			

<b>Part B: BUSINESS INFORMATION</b>			
1. Name of Business			
2. Address of Business:			
3. City	4. State	5. Zip Code	
6. Business Phone	7. Wisconsin Seller's Permit #: <i>(Please attach copy)</i>		

<b>Part C: SOLITICITATION INFORMATION</b>					
1. Nature of sales or solicitations and brief description:					
2. Proposed dates/times of sales or solicitations			3. Proposed method of delivery of goods, if applicable		
4. Vehicle used to conduct sales or solicitations:	4a. Make	4b. Model	4c. Color	4d. License Plate Number	4e. State
5. List other cities, villages, or towns where applicant has conducted similar sales or solicitations					

**Part D: ATTACHMENTS**

For your application to be considered complete, all of the following needs to be received:

- Completed and Signed Application
- Wisconsin Seller's Permit (if applicable)
- Copy of Driver's License
- \$100 license fee

**Part E: ATTESTATION**

By signing below, I attest:

- this application has been completed truthfully.
- I have read and understand Municipal Code §124.
- I understand this license, if granted, will be active for a 30 day period starting on the day issued.
- I understand this application covers ONE person only.
- I agree to pay the \$100.00 licensing fee at time of submittal of this application.
- I understand I cannot call at any dwelling between the hours of 8:00 pm and 9:00 am
- I understand I cannot call at any dwelling or other place where a sign is displayed bearing the word "No Peddlers," "No Solicitors" or words of similar meaning.
- I understand I cannot call at the rear door of any dwelling.

Signature

Date

Name (Print)

**Part F: For City Use Only**

Date application was filed with clerk	Date Approved by Police Department	Date Approved by Clerk
Receipt Number	License Number	Effective Dates of License

## Chapter 124

### DIRECT SELLERS, TRANSIENT MERCHANTS AND SOLICITORS

§ 124-1.	Registration required.	§ 124-9.	Registration; expiration.
§ 124-2.	Sales prohibited on public streets and public parking lots.	§ 124-10.	Prohibited acts; disclosure requirements.
§ 124-3.	Sales in City parks.	§ 124-11.	Record of violations.
§ 124-4.	Definitions.	§ 124-12.	Revocation of registration permit.
§ 124-5.	Exemptions.	§ 124-13.	Violations and penalties.
§ 124-6.	Registration procedure.	§ 124-14.	Severability clause.
§ 124-7.	Farmers market on City property.	§ 124-15.	Inclusion in Code.
§ 124-8.	Investigation; denial of registration.	§ 124-16.	When effective.

[HISTORY: Adopted by the Common Council of the City of Hudson 5-5-2003 by Ord. No. 3-03.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Pawnbrokers and secondhand dealers — See Ch. 184.

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#### § 124-1. Registration required.

It shall be unlawful for any direct seller, transient merchant or solicitor to engage in sales within the City of Hudson without being registered for that purpose as provided in this chapter.

#### § 124-2. Sales prohibited on public streets and public parking lots. [Amended 6-7-2021 by Ord. No. 13-21]

Except as provided in this chapter for licensed events approved by the Common Council and seasonal farmers market, no direct or transient sales or solicitation shall be allowed on any public street or public parking lot.

#### § 124-3. Sales in City parks.

- A. Direct sellers wishing to sell in City parks shall be subject to this chapter and to the requirements of Hudson City Code Chapter 181 and any other applicable City code sections.
- B. Transient sellers and solicitors are prohibited in City parks, except as approved in conjunction with a special event.

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1. Editor's Note: This ordinance also repealed former Ch. 124, Direct Sellers and Solicitors, adopted by Ord. No. 26-84, as amended.

**§ 124-4. Definitions. [Amended 6-7-2021 by Ord. No. 13-21]**

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT** — Each individual applying for registration and licensing as a direct seller, transient merchant or solicitor.

**CHARITABLE ORGANIZATION** — Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation for whom or which there is provided proof of tax-exempt status pursuant to Section 501(c)(3) or (4) of the United States Internal Revenue Code.

**CLERK** — The Clerk of the City of Hudson.

**DIRECT SELLER** — Any person who, individually or for a partnership, association or corporation, sells goods or services or takes sales orders for later delivery of goods or services at any location other than the permanent business place or residence of the individual, partnership, association or corporation. The sale of goods and services includes donations requested or required by the direct seller for the retention of goods or services by a donor or prospective customer.

**GOODS** — Includes personal property of any kind and shall include merchandise, materials, and goods provided incidental to services offered or sold. The sale of goods includes donations required by the seller for the retention of goods or services by a donor or prospective customer.

**LICENSED EVENTS** — An event that has been issued a license from the Common Council in accordance with this chapter.

**PERMANENT MERCHANT** — A direct seller or one representing a merchant who, for at least six months prior to the submission of an application pursuant to this chapter, has continuously operated an established place of business in this City or has continuously resided in this City and now does business from his/her residence.

**REGISTRANT** — Each individual registered by the Clerk.

**SOLICITOR** — Any individual who, for him/herself or 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 organization, society, association or corporation.

**TRANSIENT MERCHANT** — Any individual who engages in the retail sale of goods at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this chapter, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

**§ 124-5. Exemptions. [Amended 6-16-2008 by Ord. No. 5-08; 8-17-2015 by Ord. No. 8-15; 6-7-2021 by Ord. No. 13-21]**

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, farmer or gardener selling agricultural products of the farm, orchard or garden occupied or cultivated by such person, except as provided in § 124-7.

- 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 City 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 the person.
- F. Any person who has had, or who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with a prospective customer.
- G. Any person holding a sale required by statute or order of any court and any person conducting a bona fide auction sale pursuant to law.
- H. Any employee, officer, or agent of a charitable organization who engages in direct sales or solicitations for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under § 202.12, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under § 202.12, Wis. Stats., or which is exempt from that statute's registration requirements shall be required to register under this chapter.
- I. Any person selling any goods, services or merchandise at any licensed events or celebration approved by the Common Council, provided the person has been approved by the permittee for the event. The permittee shall provide the City Clerk with a list of approved sellers, including name, address, business name and items to be sold, no later than 24 hours prior to the event.
- J. Any veteran who holds a special state license pursuant to § 440.51, Wis. Stats., shall be exempt from the provisions of § 124-4, provided that such veteran provides the Clerk with the following information. The Clerk shall then forward such information to the Chief of Police for investigation.
  - (1) The veteran's name and permanent address.
  - (2) The nature of the sales or solicitations.
  - (3) Proposed dates and times of sales or solicitations.

**§ 124-6. Registration procedure.**

- A. Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
  - (1) Name, permanent address, telephone number and temporary address, if any, of each transient merchant, direct seller or solicitor.
  - (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, transient merchant, or solicitor represents or is employed by or whose merchandise is being sold.
  - (4) Temporary address and telephone number from which sales or solicitations will be conducted, if any.
  - (5) Nature of sales or solicitations to be conducted and a brief description of the goods and/or services offered.

- (6) Proposed dates and times of sales or solicitations.
  - (7) Proposed methods of delivery of goods, if applicable.
  - (8) Make, model and license number of any vehicle to be used by the applicant in the conduct of sales or solicitations.
  - (9) Last three cities, villages or towns where the applicant conducted similar sales or solicitations, if applicable.
  - (10) For transient merchants, an address and phone number where the applicant can be contacted for at least seven days after leaving this City.
  - (11) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's sales or solicitation or other transient merchant activities within the last five years, the nature of the offense and the place of conviction.
- B. Applicants shall present the following items to the Clerk for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required.
  - (2) Current sellers permit issued by the Wisconsin Department of Revenue.
  - (3) Proof of liability insurance satisfactory to the City if the sales activity occurs on City-owned property.
  - (4) If the sales activity occurs on private property such as a stand in a private parking lot or other private property, the applicant shall provide written permission from the property owner for the applicant to conduct sales as described in the application.
  - (5) Wisconsin 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, if applicable.
  - (6) Health inspection certifications, if applicable.
- C. No registration shall be processed until the application and investigation fees have been paid to the Clerk. Fees for licenses under this chapter shall be established by the Common Council and may be adjusted from time to time by the Common Council. The current fee schedule shall be kept on file in the office of the City Clerk. **[Amended 1-3-2006 by Ord. No. 1-06]**
- D. No registration shall be processed until the applicant signs a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale, service performed or solicitation activities of the applicant in the event that the applicant cannot, after reasonable effort, be served personally.

#### **§ 124-7. Farmers market on City property.**

- A. Transient or direct sellers of produce and related items, such as vegetables, fruits, dried flowers, cut flowers, plants, jams, jellies, preserves, bread, herbs, honey, maple syrup, meat and other perishable products, on City property designated for that purpose under this chapter shall register with the City Clerk before commencing sales. The Clerk shall obtain all information and fees required under this chapter. **[Amended 7-21-2003 by Ord. No. 6-03]**

- B. Location. The Common Council may designate a City-owned parking lot or portion thereof to be used as a farmers market for the months May through October. The parking lot currently used for the farmers market is located at the "North Parking Lot" at the corner of Second Street and Vine Street. The Common Council may, by resolution, change the location of the farmers market as needed.
- C. Farmers market operation. **[Amended 7-21-2003 by Ord. No. 6-03]**
- (1) Stalls shall be available on a daily first-come, first-served basis.
  - (2) Market hours shall be Thursdays from 7:00 a.m. to 12:30 p.m. The Common Council may, by resolution, determine different hours of operation.
  - (3) Each vendor shall be responsible for his/her area and shall keep the area free of litter and debris. Vendors shall remove all equipment, displays and sale items from the market at the close of the day.
- D. General parking will not be allowed in the west half of the parking lot (North Parking Lot) during farmers market hours. The Common Council may, by resolution, change the parking regulations of the farmers market lot as needed. **[Added 7-21-2003 by Ord. No. 6-03]**

**§ 124-8. Investigation; denial of registration.**

- A. Upon receipt of a completed registration application, the Clerk shall immediately refer it to the Chief of Police to conduct an investigation. To the extent possible, within five working days the Chief of Police shall return the application to the Clerk with his endorsement approving or disapproving the application.
- B. The Clerk shall refuse to register the applicant if the investigation shows any of the following:
- (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 any of the last three cities, villages or towns in which the applicant conducted similar business.
  - (3) 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 solicitation.
  - (4) The applicant failed to comply with any applicable provision of this chapter.
- C. Registration shall be denied if the applicant is delinquent in payment of any taxes, assessments, forfeitures for violations of City ordinances, or other claims owed to the City. **[Added 5-19-2008 by Ord. No. 3-08<sup>2</sup>]**
- D. Appeal. Any person denied application for registration may appeal such action by filing with the Common Council, within 14 days after written notice of the denial, a written statement requesting a hearing and setting forth the grounds for the appeal. The Common Council shall set a time and place for the hearing. Written notice of the time and place of the hearing shall be given to the applicant at least 72 hours prior to the time set for the hearing.

**§ 124-9. Registration; expiration. [Amended 2-6-2023 by Ord. No. 4-23]**

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2. **Editor's Note: This ordinance also redesignated former Subsection C as Subsection D.**

- A. Upon compliance with the foregoing requirements as set forth in this chapter, investigation, and payment of the fees set forth under the current fee schedule on file in the office of the Clerk, the Clerk shall register the applicant as a direct seller, transient merchant or solicitor. The applicant shall sign and date the application form, acknowledging receipt of a copy of Chapter 124 of the Hudson Municipal Code.
- B. Such registration shall contain the signature of the Clerk, the name and address of the direct seller, transient merchant or solicitor, the type of goods or services being sold or the nature of the solicitation, the date of registration and the license number of any vehicles used for sales or solicitation.
- C. Registrants shall exhibit their registration:
  - (1) On any stand, cart, or other similar device used for sales; and
  - (2) At each residence; and
  - (3) To any police officer who requests it.
- D. Upon the Clerk's registration of the applicant as a direct seller, transient merchant or solicitor, said registration shall be valid for a period of 30 days from the date of registration, subject to subsequent revocation as provided in § 124-12.

**§ 124-10. Prohibited acts; disclosure requirements. [Amended 6-7-2021 by Ord. No. 13-21]**

- A. Prohibited practices.
  - (1) A direct seller, transient merchant or solicitor shall be prohibited from:
    - (a) Calling at any dwelling or other place between the hours of 8:00 p.m. and 9:00 a.m., except by appointment.
    - (b) Calling at any dwelling or other place where a sign is displayed bearing the word "No Peddlers," "No Solicitors" or words of similar meaning.
    - (c) Calling at the rear door of any dwelling place.
  - (2) A direct seller, transient merchant or solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A direct seller or transient merchant representing a charitable or religious organization shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable or religious purpose for which the individual is soliciting. The portion shall be expressed as a percentage of the sales price of the goods or services.
  - (3) No direct seller, transient merchant or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. No sales shall occur on public sidewalks or streets except as approved by Common Council in conjunction with licensed events. Direct or transient sellers for sales in parks are required to register under this section and also comply with Hudson City Code Chapter 181 and any other applicable sections of the Hudson City Code.
  - (4) No direct seller, transient merchant or solicitor shall make any loud noises or use any sound-amplifying device to attract customers or donors if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

- (5) No direct seller, transient merchant or solicitor shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business or making sales or solicitations.

B. Disclosure requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer or donor, a direct seller, transient merchant or solicitor shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and identify the goods or services he/she offers to sell and shall show the registration issued by the City to the prospective customer or donor.
- (2) If the direct seller, transient merchant or solicitor 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 guaranty or warranty is provided and, if so, the terms thereof.
- (3) If any sale of goods is made by a direct seller, transient merchant, or solicitor or any offer for the later delivery of merchandise 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 set forth in Ch. 423, 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 Ch. 423, Wis. Stats.

**§ 124-11. Record of violations.**

The Chief of Police shall report to the Clerk all convictions for violations of this chapter, and the Clerk shall note any such violation on the record of the registrant convicted. The Clerk shall note any complaint or report of an alleged violation made by a resident of this City or a police officer.

**§ 124-12. Revocation of registration permit.**

- A. Registration may be revoked by the Common Council after notice and hearing under the following circumstances:
- (1) The registrant made any material omission or materially inaccurate statement in the application for registration;
  - (2) The registrant made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient or direct sales or solicitation;
  - (3) The registrant violates any provision of Hudson City Code related to sales;
  - (4) The registrant was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitations;
  - (5) Any other conduct by the registrant which the Council finds to jeopardize the public health, safety, and welfare.
- 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 or omissions upon which the hearing will be based.

**§ 124-13. Violations and penalties.**

In addition to any other remedy provided by law, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, § 1-18, of this Municipal Code. Each day of violation shall be a separate offense.

**§ 124-14. Severability clause.**

If any section, subsection, paragraph, word, or phrase of this chapter is found by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, the validity of the remaining sections shall not be affected thereby.

**§ 124-15. Inclusion in Code.**

It is the intention of the Common Council and it is hereby provided that the provisions of this chapter shall be made part of the Code of the City of Hudson, and that the sections of this chapter be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

**§ 124-16. When effective.**

This chapter shall be effective upon adoption and publication as provided by law.