

CHAPTER 61

NONRESIDENT SOLICITORS

61.01 Solicitor's and Canvasser's Permits.

[61.02–61.05 reserved.]

61.06 Jurisdiction.

[61.07–61.99 reserved.]

State Law Reference: Sec. 59.55(3), Wis. Stats.

61.01 SOLICITOR'S AND CANVASSER'S PERMITS.

(1) Permit Required. No person shall travel from house to house for the purpose of soliciting contributions for any cause from the occupants thereof, or to canvass for orders for goods, wares, merchandise, or services of any character or description, or for the purposes of offering to give or to furnish any goods, wares, merchandise, or services to any such occupant or to induce or invite such orders, without having first applied for and received from the County Clerk a Solicitor's Permit to do so.

(2) Exemptions. The provisions of this section shall not apply to the following: candidates for political office; merchants delivering goods in the regular course of business; governmental agents in the performance of their official duties.

(3) Application. Any person desiring to secure such a Solicitor's Permit shall apply therefor in writing over his signature to the County Clerk on forms provided by the Clerk, and such application shall state the following:

(a) Name, description and signature of applicant.

(b) A copy of applicant's fingerprints taken by an authorized law enforcement agency, either Municipal, County, State or Federal.

(c) A photograph approximately two inches by two inches (2" x 2") showing the head and shoulders of said person, which has been taken not more than one (1) year prior to such application.

(d) Permanent home address and full local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(e) A brief description of the nature of the business and the goods to be sold.

(f) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(g) The length of time for which the right to do business is desired.

(h) The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

(i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(j) The three cities or villages where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

(k) At the time of filing the application, a nonrefundable fee of one hundred ten dollars (\$110) shall be paid to the County Clerk to cover the cost of investigation of the facts stated therein. The fee for an annual renewal application shall be one hundred ten dollars (\$110).

(4) Group solicitation permit without fee for certain nonprofit organizations.

Any nonprofit organization desiring to solicit money or property or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, fraternal, labor, religious, patriotic or political purpose shall be exempt from the provisions of section (3) of this ordinance provided there is filed a sworn application in writing on a form to be furnished by the County Clerk which shall give the following information:

(a) Name and purpose of the cause for which permit is sought;

(b) Names and addresses of the officers and directors of the organization;

(c) Period during which solicitation is to be carried on;

(d) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof. Upon being satisfied that such organization is a charitable, fraternal, labor, religious, patriotic or political organization, the Clerk shall issue a permit without charge to such organization to solicit in the County. Such organization shall furnish all of its members, agents, or representatives conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

(5) Investigation and Issuance.

(a) Upon receipt of each application, it shall be referred to the Sheriff, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within thirty (30) days after it has been filed by the applicant with the Clerk.

(b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Sheriff shall endorse on such application his disapproval and his reasons for the same, and return the said application to the County Clerk, who shall notify the applicant in writing that his application is disapproved and that no permit will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Sheriff shall endorse on the application his approval and return the application to the County Clerk, who shall deliver the applicant his permit. The Clerk shall keep a permanent record of all permits issued.

(6) Veterans. Any veteran who holds a special state license issued pursuant to Wis. Stat. § 440.51 shall be exempted from the securing of a permit as provided herein.

(7) Exhibition of Permit. Such permit shall be carried at all times by the applicant to whom issued, when soliciting or canvassing in the County, and shall be exhibited by any such applicant whenever he or she shall be requested to do so by any police officer

or any person solicited. Each solicitor or canvasser must secure a personal permit. No permit shall be used at any time by other than the person to whom it is issued.

(8) Revocation of Permit. Any such permit may be revoked in writing by the County Clerk for any of the following causes:

(a) Fraud, misrepresentation or false statement contained in the application for license.

(b) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant vendor.

(c) Any violation of this ordinance.

(d) Conviction of any crime or misdemeanor involving moral turpitude.

(e) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or general welfare of the public.

(9) Reapplication. No applicant to whom a license has been refused or whose license has been revoked shall make further application until a period of at least six (6) months has elapsed unless he can show that the reason for such rejection or revocation no longer exists.

(10) Expiration of Permit. No permit shall be issued for a longer period than one (1) year. All annual permits issued under the provisions of this ordinance shall expire at midnight on the thirty-first (31st) day of December in the year when issued. Other than annual permits shall expire at midnight on the date specified for expiration in the permit.

(11) Renewal. Renewal licenses shall be obtained on or before December 31 of each year or be subject to a late fee of twenty-five percent (25%) of the license fee.

(12) Severance Clause. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance.

(13) Penalty. Any person firm or corporation violating any provisions of this ordinance shall be subject to a forfeiture of not more than three hundred dollars (\$300) for each offense, and each day or fraction of a day on which any provision of this ordinance is violated shall be deemed a separate offense.

[History: 61.01 am., OA 8, 2013-14, pub. 07/02/13.]

[61.02–61.05 reserved.]

[History: 61.02 through 61.05 rescinded, OA 8, 2013-14, pub. 07/02/13.]

61.06 JURISDICTION. This ordinance shall not apply within towns, cities and villages which have adopted ordinances regulating the same subject matter.

[61.07–61.99 reserved.]

END OF CHAPTER