

**TOWN OF GIBRALTAR**  
**ORDINANCE 1982-03**  
**DIRECT SELLERS**

**AN ORDINANCE REVOKING SECS. 4 REGISTRATION AND  
SECS. 5 INVESTIGATION OF ORDINANCE 1981-03 DIRECT  
SELLERS AND SUBSTITUTING A NEW SECTION 4 REGISTRATION  
AND SECTION 5 INVESTIGATION OF ORDINANCE 1981-03 THEREFORE**

The Town Board of the Town of Gibraltar does ordain as follows:

We hereby revoke Section 4 Registration and Section 5 Investigation of Ordinance 1981-03 Direct Sellers adopted by the Town of Gibraltar on November 2, 1981 and published on November 3, 1981 in their entirety.

The Town Board of the town of Gibraltar does ordain as follows:

That a new Section 4 Registration and a new Section 5 Investigation of Ordinance 1981-03 direct Sellers is hereby approved to read as follows:

Section 4 Registration.

- A. Applicants for registration must complete and return to the clerk, at least ten (10) days before the sale is to be held, 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 will 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/her business;
  - 8) Last cities, village, towns, not to exceed three, where applicant conducted similar business;
  - 9) Place where applicant can be contact for at least seven days after leaving this Town;
- B. Applicants shall present to the clerk for examination:
- 1) 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 use of weighing and measuring devices approved by state authorities;
  - 3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or

infectious disease, dated not more than 90 days prior to the date the application for license is made.

- C. At the time the registration is returned, a fee of \$5 shall be paid to the clerk to cover the cost of processing said registration.

The applicant shall sign 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 or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

Upon payment of said fee, the signing of said statement, and the verification of the applicant's registration form by the Town Constable, the clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in Section 5 (B) below.

#### Section 5 Investigation

- A. Upon receipt of each application the clerk may refer it immediately to the Town Constable who may make and complete an investigation of the statements made in such registration within ten (10) days.
- B. The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, 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, village 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 4 (B) above.

Adopted this 6<sup>th</sup> day of June, 1982.

Posted this 8<sup>th</sup> day of July, 1981.

TOWN OF GIBRALTAR

Ray Slaby, Jr., Chairman

Thomas L. Dunn, Clerk