TOWN OF VIENNA, DANE COUNTY WISCONSIN
ORDINANCE 2026-03
DIRECT SELLERS REGISTRATION AND PERMITS

WHEREAS, the **TOWN OF VIENNA** is requiring registration for any direct seller to engage in direct sales within the Town of Vienna without being registered for that purpose as provided herein:

NOW THEREFORE, the Town Board of the Town of Vienna do hereby ordain as follows:

(1) Permit Required. No person shall operate in the Town of Vienna as a direct seller without first obtaining a permit under this Ordinance.

(2) Definitions. The following terms when used in this Ordinance shall have the following meanings:

Direct Seller means any individual who, for him/herself, or for a partnership, association, or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association, or corporation, and shall include, but not be limited to, peddlers, 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.

Permanent Merchant means a direct seller who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:

(a) Has continuously operated an established place of business in this Town; or

(b) Has continuously resided in this Town and now does business from his/her residence.

Goods shall include personal property of any kind and shall include goods provided incidental to services offered or sold.

Charitable Organization shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association, or corporation, or one purporting to be such, and religious organizations, including Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.

Clerk/Treasurer shall mean the Town Clerk/Treasurer.

Permanent when used with reference to a place of business means property owned or leased by the business owner and operated out of a building improvement affixed to the real estate and not a trailer or other portable structure or stand.

Person shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations, and any other description of a collection of human beings working in concert or for the same purpose or objective.

(3) **Exemptions.** No permit under this Ordinance shall be required for:

(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 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 within this county and who delivers such goods in their regular course of business;

(e) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;

(f) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

(g) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Town Clerk/Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Ordinance;

(h) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Town Clerk/Treasurer that such person is a transient merchant, provided that there is submitted to the Town Clerk/Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Town for at least one (1) year prior to the date complaint was made.

(4) **Application and Fee.**

(a) Applicants for registration must complete and return to the Town Clerk a registration form furnished by the Town Clerk which shall require the following information:

(1) Name, permanent address and telephone number, and temporary address, if any; Height, weight, color of hair and eyes, and date of birth;

(2) 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;

(3) Temporary address and telephone number from which business will be conducted, if any;

(4) Nature of business to be conducted and a brief description of the goods offered and any services offered;

(5) Proposed method of delivery of goods, if applicable;

(6) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;

(7) Last cities, villages, town, not to exceed three (3), where applicant conducted similar business just prior to making this registration;

(8) Place where applicant can be contacted for at least seven (7) days after leaving this Town;

(9) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.

(b) Applicants shall present to the Town Clerk/Treasurer for examination:

(1) A 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 measurers 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 ninety (90) days prior to the date the application for license is made.

(c) A fee shall be charged as follows:

(1) At the time the registration is returned, a fee shall be paid to the Town Clerk/Treasurer to cover the cost of processing said registration. Each and every member of a group must file a separate registration form. The fee for a direct seller's, solicitor's or canvasser's license shall be: Five Dollars ($5.00) per day; Twenty Dollars ($20.00) per week; Fifty Dollars ($50.00) per month; Two Hundred Dollars ($200.00) per year. Annual licenses issued on or after July 1 shall be issued for one-half (1/2) the required fee. Transient merchants/direct sellers may employ two (2) assistants without payment of an additional license fee, but such persons must comply with the other provisions of this Section.

(2) The applicant shall sign a statement appointing the Town Clerk/Treasurer 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.

(3) Upon payment of said fee and the signing of said statement, the Town Clerk/Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Section 7-4-5(b) below.

(4) Investigation.

(a) Upon receipt of each application, the Town Clerk/Treasurer shall, in consultation with law enforcement officials, make and complete an investigation of the statements made in such registration.

(b) The Town Clerk/Treasurer 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, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) 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 this Ordinance.

(5) Appeal. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Town Board or, if none has been adopted, under the provisions of Wis. Stats. §§ 68.07 through 68.16.

(6) Prohibited Practices.

(a) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(b) A direct seller 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 his/her visit, his/her identity, or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

(c) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(d) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source

(e) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

(6) Disclosure Requirements.

(a) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.

(b) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods 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 Twenty-five Dollars ($25.00), in accordance with the procedure as set forth in Wis. Stats. § 423.203.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. §§ 423.203(1), (2) and (3).

(c) If the direct seller 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 guarantee or warranty is provided and, if so, the terms thereof.

(7) Revocation. Registration may be revoked by the Town Clerk/Treasurer if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling. The registrant may appeal such revocation.

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on July 6, 2026.

Jerry Marx, Chairperson

Amanda Nickel, Supervisor No. 1

Sherry Meinholz, Supervisor No. 2

Gary Endres, Supervisor No. 3

Jenny Sweatt, Supervisor No. 4

Attest:

Kathleen Clark, Town Clerk

Dated: 7/6/26

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