

## **Regulations**

1. No direct seller or solicitor may call at any dwelling during the traditional hours of rest between 9:00 PM and 8:00 AM, and all day on Sundays and legal holidays, unless the direct seller or solicitor has previously arranged an appointment during those times.
2. No direct seller or solicitor may call at any dwelling or other place where a sign is displayed bearing the words "No Trespassing", "No Solicitors", "No Peddlers", or words of similar meaning, unless the direct seller or solicitor has previously arranged an appointment on such premises.
3. No direct seller or solicitor may call at the rear door of any dwelling except by prior appointment.
4. No direct seller or solicitor may remain on any premises after being asked to leave by the owner, occupant or other person having apparent authority over the premises.
5. No direct seller or solicitor may impede the free use of sidewalks or streets by pedestrians or vehicles.
6. No direct seller or solicitor may make any loud noises or use any sound amplifying device to attract persons if the noise produced is capable of being plainly heard outside a 100 foot radius from the source.
7. Upon making contact with an individual while attempting to make a
8. Sale or solicit a contribution, the direct seller or solicitor shall immediately disclose his or her name, the name of the company or organization with which he or she is associated or affiliated, and the purpose of the contact. Each such seller or solicitor shall carry proof that the individual represents the company or organization he or she purports to represent, as well as a copy of the registration issued by the Clerk. The direct seller or solicitor shall produce such proof and registration for inspection by the individual immediately upon demand by the individual.

## **Who Needs a Direct Seller's Permit?**

Any person selling goods or services by going door to door or at any location other than their place of business will need a permit. Permanent business and their employees located in the City of Middleton, do not need a permit.

## **Who needs a Solicitor's Permit?**

Any person going door to door soliciting contributions or donations must obtain a solicitor permit.

## **Do I need a Direct Seller's Permit or a Mobile Food Establishment License?**

If you are preparing food for sale, you would need a mobile food establishment license. If you are selling pre-packaged desserts (you did not prepare it), you will need a direct seller's permit.

## **Can I sell my goods/services in the city without a permit?**

Yes. Any person authorized to do so may sell goods and merchandise at the Terrace Avenue Market Arcade located at 7734 Terrace Avenue. To reserve a space please call 608-836-7100. There is no fee for use of the Market Arcade on Sunday or Wednesday. There is a \$200 fee to use it Monday, Tuesday, Thursday, Friday, and Saturday.

## **Middleton City Clerk's Office**

608-821-8350

7426 Hubbard Avenue  
Middleton, WI 53562

Hours:

7:45 a.m. – 4:30 p.m.

[www.cityofmiddleton.wi.us](http://www.cityofmiddleton.wi.us)

# **Direct Sellers and Solicitors in the City of Middleton**



### **Permit Required**

Per Middleton City Ordinance 7.05,

No person shall engage in any activity governed by code without complying with the registration requirements to the class of activity they are engaged.

### **Direct Seller Exemptions**

- (a) Any person delivering newspapers, fuel, dairy products or other goods or services to regular customers on established routes;
- (b) Any person selling goods at wholesale to retail dealers;
- (c) 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 the City and who delivers such goods in its regular course of business.
- (d) Any person who has an established place of business where the goods or services 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 said person;
- (e) 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;
- (f) Merchants delivering goods in the regular course of business;
- (g) Governmental agents and employees in the performance of their official duties;
- (h) Any veteran holding a state license pursuant to Wis. Stat. s. 440.51.
- (i) Any person authorized, in accordance with procedures established by the City of Middleton, to sell goods and merchandise at the Terrace Avenue Market Arcade
- (j) Any person operating pursuant to a mobile food establishment permit under section 7.01
- (k) Any Dane County school or youth organization or non-profit organization.
- (l) Sale of crafts at locations other than door to door.

### **Definitions**

“**Direct Seller**” means any individual who, for him or herself, or for a partnership, association, or corporation, travels from house

to house, sells goods or takes 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.

“**Solicitor**” means any person who for compensation or other consideration plans, conducts, manages or carries on any drive or campaign in the City for the purpose of soliciting contributions, travels from house to house for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds him or herself out to persons in this state as independently engaged in the business of soliciting contributions for such purpose. A bona fide officer or employee of a charitable organization is not deemed a solicitor unless his or her salary or other compensation is computed based on the funds to be raised or actually raised.

“**Transient Merchant**” is one who engages in the sale of merchandise at any place in this City temporarily, and who does not intend to become and does not become a permanent merchant in Dane County, Wisconsin. However, the term "transient merchant" shall not include artists or craftsmen selling their own creations or residents of Dane County, including students and others who are seasonal residents and who engage in occasional sales or street vending and are otherwise licensed under City of Middleton ordinances. Nor does it include anyone who sells goods or solicits orders for later delivery at the permanent business place of a permanent merchant. For purposes of this section, 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, and includes the taking of orders for later delivery of goods at any location other than the permanent place or residence of said merchant.

### **Direct Seller Application**

Applications shall be filed with the City Clerk. Applications can be downloaded from the City website. Copies of the following documents must be filed with the application:

1. Driver's license or other proof of identity
2. Approx. 2"x2" photograph showing the head and shoulders of applicant (2 copies)
3. If applicable, State Certificate of Examination and approval from the sealer of weights and measures where applicant's business is required by State authorities.
4. If applicable, State health officer's certificate where business includes handling of food or clothing as required to be certified under State law.

### **Fees and Effective Dates**

\$50 per applicant. Effective for one year from issue date.

### **Solicitor Application**

Applications shall be filed with the City Clerk. Applications can be downloaded from the City website. Copies of the following documents must be filed with the application:

1. Driver's license or other proof of identity
2. Approx. 2"x2" photograph showing the head and shoulders of applicant (2 copies)
3. When applicable, copy of Charitable Organization's registration form or latest filed federal tax form.

### **Fees and Effective Dates**

There is no fee for a solicitor permit. Effective for one year from issue date.