

**TOWN OF CLAYTON, WINNEBAGO COUNTY, WI
ORDINANCE 2025-004 REGARDING DIRECT SELLERS AND SOLICITORS**

SECTION 1: INTENT OF REGULATIONS

The intent of these regulations is to protect the safety and peaceful enjoyment of the residents of Town of Clayton in their residence and throughout the community and to protect residents from commercial fraud whenever possible. The Town Board of Supervisors recognizes that constitutional limitations restrict extensive and broad prohibitions against direct sales and solicitations, but it believes that reasonable regulations are essential to promote privacy among town residents given that door-to-door type activities as contemplated herein are not traditional public forums.

SECTION 2: DEFINITIONS

When used in this Article, the following terms shall have the following meanings:

- (A) "Direct Solicitor" or "Direct Solicitation" means any individual who, for him/herself, or for a partnership, association or corporation, who without invitation goes to private homes or businesses for the purpose of selling goods or services; taking orders for the later delivery of goods or services, requesting contributions of time, money, or support for any cause, issue or person; purchasing or collecting scrap metal, furniture, household goods or other scrap materials or goods, and shall include, but not be limited to peddlers, solicitors, transient merchants, charitable contributions, junk collectors, proselytizing, and solicitations for political candidates.

SECTION 3: REGULATIONS

- (A) No Direct Solicitor shall engage in the following practices:
- (1) Calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment;
 - (2) Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers" or "No Solicitors" or words of similar meaning;
 - (3) Calling at the rear door of any dwelling place unless previously arranged;
 - (4) Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises;
 - (5) Misrepresenting or making false, deceptive or misleading statements concerning the quality, quantity or character of any goods or services offered for sale, the purpose of the visit, the identity of the caller or the identity of the organization represented;
 - a) When asked, a direct seller for a charitable organization shall specifically disclose what portion of the sale price of goods or services offered will actually be used for the charitable purpose for which the organization is seeking assistance.
 - (6) Failing to display when requested a document identifying the direct seller or solicitor as representing an individual, a partnership, an association or a corporation, failing to display, when requested to do so by any law enforcement officer, such identification or document.
 - (7) Impeding the free use of sidewalks, streets and other rights of way by pedestrians and vehicle;
 - a) Where sales or solicitations are made by vehicles, all traffic and parking regulations

shall be observed.

- (8) Making any loud noises or using any sound amplifying devices to attract customers if the noise produced is capable of being plainly heard outside a one-hundred (100) foot radius of the source.
- (9) Littering or allowing rubbish or litter to accumulate in or around the area where he/she is conducting activities.
- (10) Violating any applicable state law, including but not limited to Wis. Stat. Ch. 423 and ATCP 127.

Direct Solicitors who engage in the business of lending money on the deposit of any article or jewelry or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a stipulated price or who engages in the business of purchasing or selling secondhand articles as regulated by Section 134.71 of the Wisconsin Statutes governing pawnbrokers, secondhand article and secondhand jewelry dealers must comply with the provisions of Section 134.71 of the Wisconsin Statutes.

SECTION 4: SEVERANCE CLAUSE

The provisions of this Article are declared to be severable, and if any section, sentence, clause or phrase of this Article shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Article, but they shall remain in effect, it being the legislative intent that this Article shall stand notwithstanding the invalidity of any part.

SECTION 5: PENALTIES.

Any person who shall violate any of the provisions of this Chapter or of any Section thereof, shall upon conviction thereof, be punished by a forfeiture of not less than \$75.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate offense.

Passed and approved this _____ day of _____, 20_____.

TOWN OF CLAYTON

Russell D. Geise, Town Chair

Attest: Kelsey Faust-Kubale, Clerk