

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on **June 8, 2021** immediately following the City Council meeting which begins at **5:30 PM**

FOR THE SAFETY FOR OUR CITIZENS AND STAFF, THE CITY OF ASHLAND CONTINUES TO CONDUCT THEIR MEETINGS VIRTUALLY

Please contact the Clerk's office if you require accommodations to attend the meeting.

To join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/951597101>

Or dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 951 597 101

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Approval of Agenda
4. Discussion Items
 - A. Discussion and Possible Action Regarding Amendments to the Mobile Concession Food Vendor Fees while Operating both on Public and Private Property (Clerk)
5. Adjournment

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Discussion and Possible Action Regarding Amendments to the Mobile Concession Food Vendor Fees while Operating both on Public and Private Property (Clerk)

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Clerk

CLEARANCES: Council President

EXHIBITS:

1. Agenda Item 229 Parks & Rec Policy 608 - Conducting Business in Parks 12-08-2020
2. Agenda Item 160 Ord to Amend Ch 165 to Increase Lic Fee for Mobile Food Concession Vendor 03-30-2021
3. Chapter 889 Transient Merchants, Solicitation in Residential Neighborhoods, and Mobile Concession Street Vendors.
4. APR Policy 608 - Conducting Business In Parks

SUMMARY STATEMENT:

The Parks and Recreation Committee began to analyze the usage that transient vendors and mobile food trucks had on the City's parks back in November/December 2020 under the policy of Doing Business in the Parks. The intention was to recoup the cost of staff time, utility use, and general wear and tear of the City's parks and lots used for profit. The agenda item from December 8, 2020, which was approved, is attached.

The Council President, Clerk and Parks and Recreation Director met to discuss options for the fees imposed on mobile food concession vendors that do business in the City of Ashland. An adjustment was made in December 2020/January 2021 to increase the license fees per Council's request. The approved fee schedule is below:

10 days - nonconsecutive	\$ 75.00	\$7.50 per day
30 days - consecutive	\$100.00	\$3.33 per day
90 days - consecutive	\$250.00	\$2.78 per day
1 year (July 1 to June 30)	\$500.00	\$1.37 per day

The options to apply for various terms allowed for vendors to customize business according to their needs.

In discussion, the Council President, Clerk and Parks and Recreation Director felt there was a gap in the license terms and are proposing to add a six-month (consecutive) license to the schedule for \$350.00, or approximately \$58.00 per month, or \$1.95 per day. Although the local mobile food vendors are not operating in the City of Ashland on a 7-day a week basis, we felt this was a fair adjustment to the fee schedule.

A study done and shared with Council by the Planning Department showed the value of having the variety of these outside businesses as a welcomed attraction, especially in the downtown area.

Brick and mortar businesses voiced their opinion multiple times in the past several years regarding the distance

that a mobile food vendor needs to be from a like brick and mortar business, and the monetary contribution to the City that is not made by these mobile food vendors. With this in mind, the group review the personal property tax, and real estate tax, and average utilities of three like businesses in the City to compare to the fees that mobile food vendors are subjected to. Although it is unlawful to share utility account information according to State Statute 196.137, the average use of the three business listed below is approximately \$230.00 per month. Tax inquiry results are as below:

BUSINESS	PERSONAL PROPERTY TAX	REAL ESTATE TAX	TOTALS <i>WITHOUT</i> UTILITIES
El Dorado Mexican Restaurant	\$ 903.00	\$ 4,180.00	\$ 5,083.00
Lakeshore Café	\$ 232.00	\$ 3,786.00	\$ 4,018.00
Big Ben Gyros	\$ 263.00	\$ 1,360.00	\$ 1,623.00

The small group reviewed not only the fees but also the entirety of Chapter 889 (attached) and the Parks and Recreation Policy #608 (attached) and found a need to better verbalize the intention of the Ordinance. There is a need to better outline and clarify the expectations of each of the different vendors. Also, while the fees seemed justified to each department (Parks and Clerk), compounding both the vendor license fee and the Business in the Parks fee threatened several of the mobile food vendors to reconsider doing business in the City.

Council is asked to consider the addition of a six-month mobile food vendor license for the amount of \$350.00 to the fee schedule. If agreed, the Parks and Recreation Director agreed to waive the Business in the Parks fee for doing business on City property for the current season.

This group intends to review Chapter 889 during the off-season in order to better structure the intention of the ordinance and for the public to better understand the ordinance, and to bring this up to date.

SUBJECT: Approval of Parks and Recreation Policy 608: Conducting Business in Parks (*Parks and Recreation*) Voice

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: Parks & Recreation

CLEARANCES: Parks and Recreation Committee
City Attorney

EXHIBITS:

1. DRAFT - Parks and Recreation Policy 608 - Commercial Business Usage and Special Events Policy
2. Chapter 889 Transient Merchants, Solicitation in Residential Neighborhoods, and Mobile Concession Street Vendors.

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED: NA

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51: Section 51.26 (b) of Chapter 51, Ashland City Ordinances, permit the Mayor and/or Clerk to schedule items directly for Council action when a timely decision is needed by the City. The City Clerk has chosen to direct this item directly to Council pursuant to the authority granted to her in Chapter 51, Ashland City Ordinances.

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD: The item conforms with the City of Ashland Comprehensive Outdoor Recreation Plan.

SUMMARY STATEMENT:

The Parks and Recreation Department and Committee have been working to create a policy about doing business in/on City of Ashland Parks and Lands. This policy does not take the place of City of Ashland Ordinance Chapter 889: Transient Merchants, Solicitation in Residential Neighborhoods and Mobile Concession Street Vendors but assists City staff to better track special events, time put into events, and vendors that use City parks and/or property for business. This policy also sets forth a cost for those wishing to use City parks to make a profit in efforts to recoup the City's costs associated with increased user traffic due to the business.

SUBJECT: Approve an Ordinance to Amend Chapter 165 (2020-1938) Comprehensive Fee Schedule to Increase the Licensing Fee for a Mobile Food Concession Vendor (*Clerk*) Roll

RECOMMENDATION: Approval

DEPARTMENT OF ORIGIN: City Clerk

CLEARANCES: City Clerk

EXHIBITS: 1. Proposed Ordinance

EXPENDITURES REQUIRED: NA

AMOUNT BUDGETED:

APPROPRIATION REQUIRED: NA

TREASURER'S CERTIFICATE: NA

COMPLIANCE WITH ORDINANCE 51:

STATEMENT OF CONFORMANCE WITH COMPREHENSIVE PLAN OF RECORD:

SUMMARY STATEMENT:

Council as the Committee of the Whole at their March 9, 2021 meeting discussed the distance regulations and fees for the license for those wishing to operate a mobile food concession within the City of Ashland. After weighing the options, Council unanimously agreed to maintain the 300 foot distance as stated in Chapter 889, and ask for the item to be returned with a recommendation from staff as to license fee changes. The current fee for an annual license for mobile food concession vendors is \$50.

Vendors who bring their business to Ashland will vary their length of stay from a week or over a weekend, to multiple times throughout the summer months. Although it is not known if these vendors pay local business owners to operate on their private property or parking lots, but the City's Parks and Recreation Department have updated their policy to include an additional fee to conduct "Business in the Park" which includes the City's parks' lots and property. With this in mind, Council determined on March 9, 2021 to increase the current license fee.

Council also determined to revisit Chapter 889 in the future to address any updates or potential changes regarding mobile concession food vendors, should they feel the need to do so.

Staff is recommending a varied scale, below, for mobile food concession vendor license fees, to both compensate the City and not deter the business to come into Ashland.

<u>DURATION OF LICENSE</u>	<u>LICENSE FEE</u>
10 days or less (non-consecutive)	\$ 75.00
30 days (consecutive)	\$100.00
90 days (consecutive)	\$250.00
12 month (July 1 to June 30)	\$500.00

CHAPTER 889. TRANSIENT MERCHANTS, SOLICITATION IN RESIDENTIAL NEIGHBORHOODS, AND MOBILE CONCESSION STREET VENDORS.

889.01. Registration and License Required. It shall be unlawful for any Transient Merchant or Mobile Concession Street Vendor to engage in sales within the City of Ashland without being registered and licensed for that purpose as provided herein. It shall be unlawful for any Transient Merchant or any Permanent Merchant to solicit in residential neighborhoods without being registered and licensed for that purpose as provided herein.

889.02. Definitions.

(a) “Transient merchant” means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. 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, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

(b) “Permanent Merchant” means any person who, for at least six months prior to the consideration of the application of this chapter to said merchant: (1) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale, or (2) has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his/her residence.

(c) “Door-to-Door Solicitor” means any person, whether a permanent or transient merchant, who attempts to sell merchandise directly to residents by physically calling upon their dwelling place.

(d) “Merchandise” shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

(e) “Mobile Concession Street Vendor” shall include individuals and organizations that engage in the sale of concessions from motor vehicles, self-propelled vehicles, manually propelled vehicles, and trailers. Concessions are defined foods and beverages intended to be consumed at the point of purchase.

(f) “Charitable Organization” shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.

(g) “Clerk” means the City Clerk.

889.03. Exemptions. The following shall be exempt from all provisions of this chapter:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;

(b) Any person selling merchandise directly to other established businesses within the City of Ashland;

(c) Any person selling agricultural products which the person has grown or any fish which the person has caught;

(d) Any person who has an established place of business where the merchandise being sold is 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 selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

(f) Any person holding a sale required by statute or by order of any court; any person conducting a bona fide auction sale pursuant to law; any person conducting a garage sale, yard sale, or estate sale at a private residence;

(g) Any employee, officer or agent of a charitable organization who engages in direct sales or solicitation of donations for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under sec. 202.12, Wis. Stats., and provided such organization shall comply with the provisions below

(1) Before any direct sales or solicitation for donations can take place, each such charitable organization must file a sworn application, in writing, on a form furnished by the City Clerk, which shall provide the following information:

(A) Name of organization.

(B) Names and addresses of officers of the organization.

(C) Description and approximate dates of the solicitation event(s).

(D) Names of individuals to be involved in solicitation.

(E) Proof of charitable status.

(2) Upon being satisfied that such organization, association or corporation is a bona fide group within the parameters of this chapter, the Clerk shall issue a permit without charge to such organization to solicit in the City. The clerk shall also issue to such organization, an official card for each individual to be involved in the solicitation, upon which shall be inscribed the name of each member. The card shall also contain the name of the organization and dates and purpose of the solicitation. This permit can be applied for on an annual basis and shall expire June 30 of each year.

(h) Any individual licensed by an examining board as defined in s. 15.01(7), Wisconsin Statutes.

(i) Any persons or organizations operating a concession authorized by a non-profit association in connection with a fair, festival or celebration which is being held under the direction of that non-profit association. Persons or organizations are prohibited from operating a concession or selling products or services within the defined fair, festival or celebration area without authorization from the non-profit association sponsoring the event. The entity sponsoring the event shall submit a description of the defined festival area to the Police Chief or his designee for approval.

(j) Any person 15 years old or under who is operating a stand to sell lemonade or similar beverages at the person's home or in the public right of way adjacent to the person's home, and any person 15 years old or under assisting that person, provided that the police department may order such stand closed if there is reason to believe the stand poses a threat to health or safety, in which case the person may apply for a license under this chapter.

889.04. Transient Merchant & Door-to-Door Solicitor Applications

(a) Applicant Information. Applicants for a transient merchant or door-to-door solicitor license must complete and return to the clerk an application 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 transient merchant 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 merchandise, and any services offered;

(6) Proposed methods of delivery of merchandise, if applicable;

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

(8) Most recent cities, villages, towns, not to exceed three, where applicant conducted his/her business;

- (9) Place where applicant can be contacted for at least seven days after leaving this city;
- (10) 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 years, and the nature of the offense and the place of conviction.

(b) Required Documents. Applicants for a transient merchant or door-to-door solicitor license shall present to the clerk for examination:

- (1) A driver's license or some other proof of identify 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 license is made.

(c) Fee. At the time the transient merchant or door-to-door solicitor application is returned, a fee shall be charged in accordance with Chapter 165, the City of Ashland Comprehensive Fee Schedule, to cover the cost of processing said application. If said application is approved, the application fees will be charged as provided for in the City of Ashland Comprehensive Fee Schedule for each day that business is carried on in the City of Ashland. The Clerk shall issue an official card for each individual to be involved in the solicitation, upon which shall be inscribed the name of each solicitor. The card shall also contain the dates and purpose of the solicitation.

(d) Agent for service of process. 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.

889.05. Mobile Concession Street Vendors Applications. A Mobile Concession Street Vendor shall not operate within the City without first securing a license from the City. Applications shall be made to the City Clerk and acted upon by the Common Council. The fee for a Mobile Concession Street Vendor shall be charged in accordance with Chapter 165, the City of Ashland Comprehensive Fee Schedule. The fee shall be waived for non-profit organizations.

889.06. Investigation

(a) Referral to Police. Upon receipt of each application, the clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.

(b) Denial of license. The clerk shall refuse to license 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 most recent cities, villages 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 this chapter.

889.07. Appeal. Any person refused or denied a license may appeal the denial through the Common Council.

889.08. Prohibited Practices.

(a) A transient merchant or door-to-door solicitor shall be prohibited from: calling at any dwelling or other place between the hours of 8:00 p.m. and 9:00 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 transient merchant or door-to-door solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise 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 merchandise.

(c) No transient merchant or door-to-door solicitor shall sell or offer for sale any goods, wares, merchandise or produce of any kind from a stand or vehicle while the same is placed or parked upon any public street except to make deliveries from house to house or to places of business. No signs or goods, wares, merchandise or produce of any sort shall be set, placed or displayed within any portion of the right-of-way for any City of Ashland street.

(d) No transient merchant or door-to-door solicitor shall sell or offer to sell any goods, wares, merchandise or produce of any kind in any City of Ashland park premises, including parking lots associated therewith without the prior written approval of the City of Ashland Park Board.

(e) No licensee nor any person in his behalf, shall use any sound amplifying device for the broadcasting of words upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

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

889.09. Disclosure Requirements

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

(b) If any sale of merchandise is made by a transient merchant or door-to-door solicitor, or any offer for the later delivery of merchandise 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 \$25, in accordance with the procedure as set forth in sec. 423.203, Wis. Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of secs. 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.

(c) If the transient merchant or door-to-door solicitor takes a sales order for the later delivery of merchandise, 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.

889.10. Mobile Concession Street Vendors.

(a) Mobile Concession Street Vendors shall be allowed to sell from public streets, but shall not impede the free use of streets or sidewalks by vehicles or pedestrians. All traffic and parking regulations shall be observed. If an on-duty officer of an authorized law-enforcement agency determines that a safety problem exists related to the selling activities at a specific location(s) by a Mobile Concession Street Vendor, the officer shall have the right to order the vendor to cease selling at that location(s). Mobile Concession Street Vendors shall not remain in one location, either on a city street, street right-of-way, or in a public park, for a period of longer than six (6) hours.

(b) Licensed Mobile Concession Street Vendors shall be allowed to operate only between the hours of 9:00 a.m. and 10:00 p.m. No sales shall be permitted within 300 feet of an established, operating concession stand operated by a non-profit or charitable organization, such as Little League, school groups, or other similar organizations, or other existing permanent food uses.

889.11. Food Vendors in Parks. The Public Works Director and/or Parks and Recreation Director may waive the six-hour limit and authorize food vendors to sell food items intended for on-site consumption in City parks for a period of five consecutive days or less during a specified event. Said food vendors will be required to complete an application and pay a fee equal to the amount charged to transient merchants.

889.12. Exhibition of License. Licensed transient or permanent merchants soliciting in residential neighborhoods must wear their identification license card in a conspicuous place on

their clothing. Transient merchants selling from a fixed location must exhibit their certificate of license in a conspicuous place at the site where they are selling. Mobile Concession Street Vendors shall display their license in a window of their vehicle.

889.13. Records. The Chief of Police shall report to the clerk all convictions for violation of this ordinance and the clerk shall note any such violation on the record of the registrant convicted.

889.14. Revocation of License. Licenses issued under the provisions of this ordinance may be revoked by the Common Council after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for license;
- (b) Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business as a solicitor, or transient merchant;
- (c) Any violation of this ordinance;
- (d) Conducting the business of solicitor, mobile concession street vendor or transient merchant, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
- (e) Conviction of any crime or misdemeanor.

889.15. Notice of Hearings. Notice of the hearing for revocation of a license shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least 72 hours prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a court summons.

889.16. Penalty. Any person, firm, or corporation that shall violate any of the provisions of this ordinance shall forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, plus the cost of prosecution. Each day's violation of the provisions of this ordinance shall constitute a separate offense.

ADOPTED: 889 (1536) 3/12/2002

AMENDMENTS: 889 (1779) 3-13-2012; 889 (2016-1876) 7/12/2016; 889 (2020-1929) 3/10/2020; 889 (1536)4-20-2021

Parks and Recreation Policy: 608	Commercial Business Usage and Special Events Policy
Date Approved: 12/8/2020	Approving Entity: Parks and Recreation Committee
Date Revised:	Approving Entity: Ashland City Council

Intent

The intent of this policy is to create guidelines for parks usage and special events. Ordinance 463.23 states:

It shall be unlawful for any person, organization, or business to peddle or solicit business of any nature whatever or to distribute handbills or other advertising matter or to post unauthorized signs, posters, bills, or decorative matter on any vehicle, structures, trees, light poles, sign posts, or property within City park lands or use such lands, structures, or property as a base of commercial operations for soliciting or conducting of business, peddling or providing services within or outside of such lands, structures, or property unless first authorized in writing by the Parks and Recreation Department."

Definitions

- "Peddler" means an individual, whether a resident of the City or not, traveling by foot, bike, automobile, motor truck, ATV/UTV or other motorized craft, ship, boat, kayak, canoe, paddleboard or like vessel, or any other means of conveyance, from place to place, house to house, business to business, or from street to street for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for immediate delivery or for services to be performed immediately, including for rentals, tours, demonstrations and/or instruction or use of bikes, ships, boats, kayaks, canoes, paddleboards or like vessels, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or not or whether he is collecting advance payment on such sales or not.
- "Solicitor" means any individual, whether a resident of the City or not, travelling by foot, bike, automobile, motor truck, ATV/UTV or other motorized craft, ship, boat, kayak, canoe, paddleboard or like vessel, or via any electronic means or any other means of conveyance, from place to place, house to house, street to street, through the water or via websites, or other marketing; using the Internet for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for: (1) sale of goods, wares and merchandise, personal property of any nature whatsoever, for future delivery whether or not such individual has, carries or exposes for sale a sample of the subject of such sale; (2) or for services to be performed in the future whether or not such individual is collecting advance payment on such sales or not; or (3) a request, whether vocalized or not, for a donation other than in response to an inquiry from another person.
- "Solicit" means to request, by the spoken, written, or printed word, or by other means of communication, an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.
- "Merchandise." Merchandise shall be used in its broadest sense and includes property of every kind.
- "Services." Services shall be used in its broadest sense and includes any work done for the benefit of another person, the instruction or transport of any person in exchange for payment or the rental or temporary use of any equipment or vessels.
- "Vendor" means any individual, whether a resident of the City or not, who offers for sale food, beverages, goods, merchandise, delivery, or for services to be performed immediately or in the future, from a certain location that is not within a building or a structure for which a certificate of

occupancy issued by the State of Wisconsin is required by the City. This term shall not apply to businesses that operate from within a building or structure within the City for which a certificate of occupancy issued by Wisconsin State Agency is required and also displays or sells food, beverages, goods, merchandise, etc., directly outside the building or structure in which the business operates and shall not apply to businesses that operate from within a building or structure within the City for which a certificate of occupancy issued by Wisconsin State Agency is required and who also provides services within the City that relate to the use, rental, instruction or demonstration of goods sold within the building or structure for which a certificate of occupancy has been issued by the Wisconsin State Agency.

- "Goods Vendor" is a Vendor for any good or service, other than kayak, motorboat, or sailboat tours or rentals, such as: ATV rental/tours, horseback rides, massage, yoga – on the beach – or Others by special request

Users

Groups or individuals wishing to conduct business or host a special event on/in a City owned park, green space, trail or street must fill out an application/ permit from the City of Ashland. Events include, but not limited too:

- Processions, parades, runs, walks, marathons, bicycle races, block parties, transient merchants (as defined in Ordinance 889), peddlers, solicitors, kayak tours/rentals, mobile concession street vendor (as define in Ordinance 889) and other similar activities.

Those wishing to enter into a Moorage License Agreement (MLA) for use of the Ashland Oredock or Ashland Marina must negotiate with the Harbor Commission and Harbor Master

Parks and Green Spaces

The City of Ashland maintains 22 parks within City limits; the following areas are open to commercial use or special events consistent with the requirements of this policy:

Maslowski Beach: western and eastern most beaches and associated parking lots
Bayview Park: beach, City Dock, eastern green space (formally the stockade area), parking lot(s)
Kreher Park: Beach, parking lot
6th Ave Beach: Beach, parking lot
Oredock : Upland Area
Hot Pond: Parking lot
H. Pearson Plaza: green space, eastern entrance
Prentice Park: Green Space
Central Railyard Park: ball field, concession stand, open air pavilion
Hodgkin's Ball Park: ball field, parking lot, dog park

Normal Operating Hours

7am – 10pm Daily

Requirements:

The City of Ashland requires vendors who wish to do business in a city to:

- Submit Proof of insurance (\$500,000 in liability insurance that must also include the City)
- Pay application fee (cash/check or credit)
- Failure to provide all pertinent information will result in the denial of the application. Provide their own display materials, extra garbage cans, seating, etc. and make accommodations in case of rain and/or wind.
- Responsible for removal of all garbage associated with their business

- Ensure safety of patrons utilizing the business.
- Leave the area they are using in the same condition or better than they found it.
- Inform the City of any safety hazards

Hold Harmless

Those using the City's parks or green spaces to do business shall hold the City harmless from and against all damages, injuries, claims, lawsuits, causes of actions, or costs of any nature arising out of use of the park/green space in any way.

Fee Schedule

	Mobile Concession	Vendor /Good Vendor	Special Event
Daily	\$30	\$50	\$50
Weekly	\$50	\$100	NA
Monthly	\$175	\$200	NA
Yearly	\$750	\$750	NA

A \$100 Refundable Deposit will be received from those wishing to do Commercial Business and/or a Special Event. The stated deposit will be refunded if vender abides by the expectations as stated above.

Application Process

Any person desiring to engage in activities that are considered commercial use or a special event within the City of Ashland must complete and file a written application for permit with the City of Ashland Parks and Recreation Department ("APR").

Transient Merchants planning kayak/canoe outfitting must follow US Park Service guidelines.

Review and Approval Procedures

Commercial Usage/Special Events Permit will be considered for approval or denial by the Parks and Recreation Department.

- Each permit will be valid for 12 months from the date of issue and may be renewed in additional 12 month increments by review of the aforementioned City departments.
- The permittee is required to update any information required in the Application that has changes within five (5) working days of the change. Failure to update will constitute grounds for the revocation of the permit.
- Notification of permit approval will be issuance of said permit.
- Any permit issued pursuant to this Ordinance may include conditions determined by the City to be necessary for the health, safety and welfare of City residents; these conditions may include, but are not limited to:
 - Limitations on how many ships, boats, kayaks, canoes, paddleboards or like vessels the vendor may launch from a City Park at one time and limitations on how many such crafts the vendor may launch from a City park per day or per week.
 - A requirement that the permit holder, or his or her agent, employee or assign, have the permit on his or her person while engaging in the permitted activities.
 - Designation of locations at which and times during which the vendor may engage in the sale of the goods, wares, merchandise or personal property, or in the provision of services and a requirement that the vendor not operate at times or in locations that are not designated on the permit.

If at any time the APR Director, the PW Director or the Ashland Police Department (or their designees) determines that any use of the public park, green space, trail or street is contrary to the public health and safety of the City or such use is tending to cause or provoke a disturbance, the current permit may be revoked and such groups or individuals shall, upon notice, immediately vacate the area.

Denial of Permit.

An application for permit under this policy may be denied where:

1. Required application information is incomplete or incorrect;
2. Applicant is currently wanted on warrant for arrest;
3. A permit fee has not been paid;
4. There are fraudulent statements or omissions on permit application;
5. The activity is not suitable or appropriate for the proposed location;
6. The applicant or, if the applicant is a corporation, one or more owners or members of the corporation, have had complaints reported to the City of Ashland related to the activities a Peddler, Solicitor or Vendor within the past two (2) years. The applicant shall be permitted the opportunity to address the Council prior to denial if denial is for the purposes of this subparagraph.

Notification of denial will be delivered in writing.

A permit holder may appeal the denial or revocation of any permit pursuant to this policy to the Parks and Recreation Committee of the City of Ashland, which shall conduct a hearing on the issue. Written Notice of the hearing of appeal shall be served not less than three (3) days or more than ten (10) days from the date of the hearing.