



**Take notice that the City of Ashland Committee of the Whole will meet immediately following the adjournment of the City Council Meeting in the City Hall Council Chambers, 601 Main Street W. Ashland, WI, to consider and act upon the following agenda.**

To attend the meeting from your computer, tablet or smartphone:  
<https://global.gotomeeting.com/join/500263957> Access Code: 500-263-957  
Or dial in using your phone. United States (Toll Free): 1-877-309-2073  
Please contact the Clerk's office if you require accommodations to attend the meeting.

**Tuesday, February 10, 2026 Ashland Committee of the Whole Meeting  
Agenda**

1. **Roll Call**
2. **Approval of Agenda**
3. **Council President's Report**
4. **Items for Discussion and Possible Action**
  - A. **Amend Ch 463 Parks & Rec Reservations, RV & Tent Camping (*Parks & Recreation*)**
  - B. **Discussion on Pump and Control Upgrades at the Drinking Water Treatment Plant (*Public Works*)**
  - C. **Discussion on Anticipated Special Assessments for 2026 Construction Projects (*Public Works*)**
  - D. **Proposed Amendment to Ordinance 544.22, Reserved Parking Places (*Public Works*)**
  - E. **Updating and Clarifying the Marina Park Boundary and the Marina (Public Harbor Facilities) Boundary (*Mayor*)**
  - F. **Proposed Amendments to Chapter 888 Transient Vendors, Transient and Permanent Merchants, and Door to Door Solicitors; and Chapter 889 Mobile Food Establishments, Concessions, and Food Vendors (*City 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.*

*Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency. For additional information or to request this service, contact the City Clerk's Office at 715-682-7071 (not a TDD number).*

**SUBJECT:** Amend Ch 463 Parks & Rec Reservations, RV & Tent Camping (*Parks & Recreation*)

**RECOMMENDATION:** Advance to Council for formal approval

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**DEPARTMENT OF ORIGIN:** Parks Director

**CLEARANCES:**

**EXHIBITS:** 1. 2026 Proposed Ordinance Amendments

**COMPLIANCE WITH STRATEGIC PLAN:**

**SUMMARY STATEMENT:**

**Camping Policy Updates (Summary):**

- Camping reservations will be accepted on a first-come, first-served basis beginning the second week of February.
- Month-long reservations are limited to a maximum of 15 per month.
- Kreher and Prentice Park campsites will operate on a first-come, first-served basis, except for campers with advance reservations.
- Tent camping at Prentice Park is limited to a maximum of 14 consecutive days. Month-long reservations are only permitted for RV sites 2, 4, and 6 when occupied by RVs.

If you want this even tighter (one sentence per bullet → one paragraph), I can compress it further.

#### **463.08 Reservations**

- a) ~~Camping reservations~~ Reservations ~~for month-long camping~~ will be accepted on a first come – first serve basis beginning the second Wednesday in February for the calendar year at the Parks and Recreation Department office.
  - 1. ~~Reservations for month long camping for the summer will close on June 1 of each year~~
  - 2. ~~Month long reservations must begin on the 1st or 15th of the month~~
  - 3. ~~The total number of month long reservations cannot exceed 15 reservations/month.~~
- b) Reservations for pavilions, picnic shelters, green spaces, and recreation areas will be accepted on a first come – first serve basis beginning the third Wednesday in February
- c) Pavilion, park, and green space reservations must be made at least one week prior to a scheduled event. Reservations, fees, and charges must be paid at the time the reservation is made at the Parks and Recreation Department office.

Commented [ML1]: Should we keep this or check in to see if we want to keep this?

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#### **463.16 RV And Tent Camping**

- a) Camping.
  - 1. ~~Occupancy of Kreher and Prentice Park campsites is first come – first serve except for month long campers who may reserve sites at Kreher Park. Campers who have reserved sites ahead of time.~~
  - 2. APR may accept nightly reservations for groups of 10+ RVs. Reservations must be made at least four months in advance through the APR Office and are subject to the Parks and Recreation Director’s approval.
  - 3. It shall be unlawful to camp or use a camping unit on any City park land other than designated campsites within Kreher or Prentice Park.
  - 4. The Parks and Recreation Committee, and its designated agent, may provide exemptions to City park camping restrictions for special events.
- b) 

<u>After</u>	<u>Hours</u>	<u>Loitering.</u>
1.	Parking of vehicles, congregating of individuals, or loitering at the Kreher Park beach, restrooms, playground, pavilion, boat launch area or boat launch parking lot between the hours 10:00 p.m. and one-half hour before sunrise by anyone other than registered campers or individuals or parties launching boats is strictly prohibited.	
2.	Parking of vehicles, congregating of individuals, or loitering at the Prentice Park, restrooms, playground, pavilion, boardwalk between the hours 10 PM and one-half hour before sunrise by anyone other than registered campers is strictly prohibited.	
- c) Registration and Payment of Camping Fee. Self-registration is required of all parties occupying a campground campsite for any purpose prior to occupancy. A camping unit must be on site when paying the camping fee; sites cannot be held by chairs, tables, cars, etc.
- d) Tent camping is prohibited at Kreher RV Park. Family tents are allowed on a paid and occupied RV site as an accessory use.
- e) Check-Out time is 11:00 a.m. Occupants of a site after 11:00 a.m. without permission of the camp host or caretaker will be charged another night’s camping fee
- f) Occupation Limit. A site may not be occupied by more than eight (8) persons.
- g) Length of Stay.

~~1. Kreher RV Park — no one may occupy the following lakefront RV campsites continuously for more than 14 days: 10, 14, 23, 24, 25, 26, 29, 30, and 33. Sites 10, 14, 23, 24, 25, 26, 29, 30, and 33 are not able to be reserved and are only available on a first come first serve basis unless approved by special circumstance by Parks and Recreation Director: i.e. host site, medical reasons, etc. Lake sites 26, 27, 31, and 32 have a maximum stay of one month per calendar year.~~

2. Prentice Park - No one may occupy a tent campsite continuously for more than 14 days. ~~RV sites 2, 4, and 6 with a recreational vehicle (RV), are available for month long rentals.~~

h) Placement of Vehicles and Tents.

1. Camping units are restricted to the designated parking area on each campsite. No more than two motor vehicles (or six motorcycles) are allowed on any one campsite.
2. The number of tents allowed on any one campsite depends on the sizes of the tents and of the site. Tents may not exceed the boundaries of the site. Tents must be placed on a tent pad at the campsite. Tents are not allowed to be placed in the woods.

i) Quiet Hours Established. Campground quiet hours are between 10:00 p.m. and 6:00 a.m.

1. Any noise originating from campsites, camping units, the Waterfront trail, beach, playground, restrooms, or pavilion bothersome to campers at the Kreher RV Park Campground is prohibited.
2. Any noise originating from campsites, camping units, boardwalk, slough, trails, restrooms, playground, or pavilion bothersome to campers at the Prentice Park Campground is prohibited.

**SUBJECT:** Discussion on Pump and Control Upgrades at the Drinking Water Treatment Plant (*Public Works*)

**RECOMMENDATION:** Discussion only

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**DEPARTMENT OF ORIGIN:** Public Works

**CLEARANCES:** Public Works Director

**EXHIBITS:**

**COMPLIANCE WITH STRATEGIC PLAN:** Infrastructure

**SUMMARY STATEMENT:**

The water treatment facility has three pumps that deliver treated water to our system. The pumps run essentially ON/OFF, with the speed of the pump set at a fixed rate. There is newer technology called a variable frequency drive (VFD) that allows for variance in the pump speed. The Water Utility would like to install three VFDs to run each pump. VFDs are recommended generally to preserve pumps (reduced wear/tear) and in this case, the addition of VFDs will also lead to reduced electrical costs and improved water quality.

The reduction in wear/tear on the pumps is significant due to the cost of replacement and the criticality of the pumps' function, delivering treated drinking water. The reduced electrical costs are provided through more efficient starting/stopping of the pumps and an overall reduction in the number of pump starts. Water Utility staff confirmed that the project will qualify for an energy reduction grant available via Xcel Energy.

The improved water quality is associated with the reduction of disinfection byproducts (DBPs). Currently, the pumps run for such a short duration that much of the treated drinking water is consumed prior to reaching water storage facilities. This means that older water in the storage facilities and/or distribution system remains. The VFDs will generally result in increased pump running times, meaning that treated water will be delivered over a longer period of time and reduce the frequency that treated water is consumed prior to reaching storage. The installation of VFDs on these pumps was recommended by Short, Elliott, Hendrickson (SEH) following completion of a water age study.

The cost of this project was budgeted for in the Water Utility's operating budget for 2026, but no specific detail was provided to the Council, hence the discussion and information at this time, prior to staff bidding the work and requesting a contract award.



**SUBJECT:** Discussion on Anticipated Special Assessments for 2026 Construction Projects (*Public Works*)

**RECOMMENDATION:** Discussion only

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**DEPARTMENT OF ORIGIN:** Public Works

**CLEARANCES:**

**EXHIBITS:** 1. City of Ashland Sidewalk Special Assessment Policy

**COMPLIANCE WITH STRATEGIC PLAN:** Infrastructure

**SUMMARY STATEMENT:**

The City's 2026 capital improvement plan includes two street reconstruction projects for 2026 consisting of watermain replacement, storm sewer replacement, partial sidewalk repair/replacement and street reconstruction.

13th Avenue East Reconstruction (US2- 6th Street East) is funded by a combination of funds from the City, Wisconsin Department of Natural Resources (WI DNR) and Housing and Urban Development (HUD) Community Development Block Grant (CDBG). The CDBG funds are administered as a lump sum of \$1M and are being applied to street, stormwater and sidewalk costs. The City is responsible for the cost of the engineering design services, construction management services, and any construction costs for these items exceeding \$1M.

Prentice Avenue Phase 2 (US2-6th Street East) is funded by a combination of funds from the City, WI DNR and Wisconsin Department of Transportation (WisDOT). The WisDOT funds are administered as a cost share where WisDOT is responsible for 80% of the street, stormwater and sidewalk costs and the City is responsible for 20%. Prentice Avenue is among a limited number of City streets eligible for this funding based on traffic volumes.

The City's current policy for special assessments (attached) only allows for assessment of the cost of sidewalk (including curb ramps), driveway aprons, carriage walks, and associated restoration.

Staff is proposing to develop special assessments for Council review for each project. For 13th Avenue East, it is proposed to levy special assessments for up to 50% of the above-described costs. For Prentice Avenue Phase 2, it is proposed to levy special assessments for up to 20% of

the above-described costs.

Council discussion on this approach is requested to ensure staff work in alignment with the Council's direction on this topic.

# **CITY OF ASHLAND, WISCONSIN SIDEWALK SPECIAL ASSESSMENT POLICY**

(Dated: July 25, 2023)

(Referenced by Ordinance No. 530; Adopted May 9, 2006; March 24, 2006)

## **1.0 PURPOSE**

The purpose of this Policy is to assure fair and equitable cost recovery for pedestrian infrastructure improvements and to set forth a methodology determining the amount of the assessment for the improvements and circumstances on a reasonable basis. It is the policy of the City of Ashland that all properties specially benefiting from sidewalk improvements pay a portion of their fair share of the cost of such improvements.

The policies contained herein are designed to serve as a general guide for the City Council in allocating benefit to properties. The City Council reserves the right to vary from these policies if the assessments derived by imposition of the policies create obvious inequities, where the assignment of benefit to a particular property is difficult to determine, or because of extreme or unusual circumstances, or for other good reason.

## **2.0 SPECIAL ASSESSMENT PROCEDURES**

The Wisconsin Statutes prescribe the general procedures which cities must follow to specially assess property for local improvements. Typical public improvement projects for which Property Assessments are levied include sidewalks and related pedestrian infrastructure elements. Pertinent statute sections include §66.0703 and §66.0907. In accordance with §66.0907, municipalities may impose assessments for the costs of laying, removing, replacing, repairing, and maintaining sidewalks. Charges for sidewalk work are levied under police powers and do not require a showing of benefit to properties charged (*Lisbon Ave. v. Town of Lake*, 134 Wis. 470, 475, 113 N.W. 1099 (1908)).

The City of Ashland adopts, makes a part of this policy by reference, and incorporates the procedures for levying Property Assessments as contained in Wisconsin Statutes §66.0907. Whenever the provisions of this policy are contrary to those contained in §66.0703, §66.0907, or other applicable provisions of the Wisconsin Statutes or administrative regulations, the Wisconsin Statutes or administrative regulations shall control.

All Property Assessments levied in the City of Ashland shall be grounded in the exercise of police powers for the health, safety and welfare of the public.

It is hereby determined that all properties lying within the incorporated boundaries of the City of Ashland receive similar benefit for similar categories of improvements and therefore the rates established for the levy of special assessment shall be applied on a uniform basis throughout the City, for the benefits received, regardless of the location of the improvements and the method of financing. In no case shall the total Property Assessments exceed the total cost of all improvements constructed as part of the annual Capital Improvement Program (CIP).

### 3.0 ASSESSMENT BASIS

Property Assessments are to be computed and based on a per linear foot of frontage basis (i.e., *front footage* basis), except in the case of residential corner lots.

The front footage of corner lots shall be determined by the side of the lot bearing the street address and front entrance of the home. All corner lots shall receive a 140 ft. *flankage credit* for sideyard sidewalk. The assessment for corner lots shall be limited to the front footage plus any remaining side footage after deducting flankage credit. All residential corner lots receive this 140 ft. flankage credit.

The following examples help to illustrate how corner lots are assessed:

- a) If a large 140' (front) by 150' (deep) corner lot is to receive all new sidewalks on both sides, then the assessment would be for 150 ft. total (140' of frontage plus 150' side yard minus the flankage credit of 140') = 150 ft. total).
- b) If a smaller 100' (front) by 140' (deep) corner lot is to receive all new sidewalks on both sides, then the assessment would be for 100 ft. total (100' of frontage plus 140' side yard minus the flankage credit of 140') = 100 ft. total). Likewise for a 50' or 75' wide lot.

If a corner lot did not have sidewalk on its frontage OR its frontage sidewalk is all in excellent shape, and the project calls for new sidewalk installation on its flanking side only; then the property would be assessed for only that portion of the flanking side that exceeds the 140 ft. flanking credit. For example,

- c) If a large 100' (front) by 150' (deep) corner lot is to receive a new side yard sidewalk (flanking side) only; then the special assessment would be for 10 feet (150' deep flanking side minus 140' flankage credit).

The flankage credit is determined to be 140 feet based on the fact that the typical Ashland lot is 140 ft. deep. The flanking side of a lot is not intended to be special assessed until the amount of sidewalk installed or replaced on the flank within any 20 year period exceeds 140 lineal feet.

### 4.0 ASSESSABLE PROJECT ELEMENTS AND COSTS

Recognizing that it is the policy of the City of Ashland to levy Property Assessments to recover approximately 50% of the cost of constructing sidewalk improvements. The City Council establishes the locations and priorities for sidewalk improvement projects as described in Ordinance 530, *Ordinance to Adopt a Sidewalk Construction, Maintenance, and Use Policy for the City of Ashland.*

The City Council establishes the assessment rates for sidewalk improvements. Annually the Director of Public Works/City Engineer will recommend adjustments in the special assessment rates based on construction costs experienced the previous construction season. This rate will be published in the Comprehensive Fee Schedule, adopted annually by City Council.

All construction shall be in accordance with standards as published in the most recent version of the *City of Ashland Standard Specifications for Sidewalk Construction*, unless otherwise approved in writing from the Director of Public Works/City Engineer.

Assessable project elements and costs to be included in the special assessment computations are described herein:

- a) Sidewalk Removal, Saw Cutting, and other associated demolition costs: Costs for removal, saw cutting, and other associated demolition costs of existing sidewalks is to be included with construction costs.
- b) Grading and Gravel Base: The grading and construction of a gravel base for sidewalk construction will be included with construction costs.
- c) Curb, Gutter, and Pedestrian Handicap Ramps: The construction or replacement of concrete curb and gutter associated with installation of pedestrian ramps and/or adjacent sidewalks will be included in cost computations, and shall be allocated evenly as part of general sidewalk improvement construction costs. This shall include the installation of color-contrasted truncated dome devices for visually impaired pedestrians.
- d) Sidewalk Construction Costs: New sidewalk construction, or complete replacement of existing sidewalk, is to be included in the costs for construction.
- e) Replacement Sidewalk and Repairs to Existing Sidewalk: Spot repairs of existing sidewalk, including grinding, milling, mud-jacking, or individual panel replacement is to be included in the costs for construction.
- f) Tie-in Sidewalks and Driveway Aprons: Sidewalks and driveway aprons that tie-in and connect to the public walkways (carriage and entrance walks) shall be included with construction costs and allocated to the property served by sidewalk and/or driveway apron. General improvements elected by the property owner are not included in the general project costs; and while encouraged by the City, all such improvements and related expenditures shall be independently borne by the property owner.
- g) Boulevard (Terrace) Restoration: For the purpose of this paragraph the word boulevard (terrace) means that area between the back of the curb and the sidewalk, or, in the absence of a sidewalk, the property line.

Boulevard (terrace) restoration, seeding or sodding will be included in the cost calculations. No assessments will be made for replacement of turf located outside the street right-of-way that is required to be replaced to facilitate the matching of the existing yard to the new street construction.

- h) Retaining Walls: When it is determined that the construction of retaining walls, as part of street improvements, has a shared benefit between the property owner and the City, in that the property owner usually has larger useable lot area than would be available in the absence of the wall. The cost of constructing a retaining wall will therefore be split, with 50% of the cost of constructing the first five feet (5') of height of the retaining wall special assessed to the abutting lot. The City will pay for 50% of the cost of the first five feet (5') of height and 100% of the cost above five feet (5') of height of a retaining wall. A retaining wall shall be assessed on a square foot basis for the amount of retaining wall constructed adjacent to the benefited property.

## **5.0 ASSESSMENT AMOUNTS AND REPAYMENT**

This section of the policy to sets forth the amounts and repayment terms of Property Assessments.

- a) Property Assessments shall be for approximately 50% of the construction costs as determined by the criteria noted above. The actual assessment rate shall be set annually and adopted by Council as part of the Comprehensive Fee Schedule.
- b) Property Assessments may be paid in full following completion of the work (with no interest), or through 10 equal annual installments.
- c) The interest rate shall be 1% above the City's borrowing rate (as determined by loan or bond issuance) to cover overhead expenditures associated with administration of the program.
- d) Assessments shall be due in full upon sale or transfer of the property.
- e) The payment of special assessments may be deferred in case of hardship in accordance with the City's Hardship Policy for the Levy of Assessments.

## **6.0 MISCELLANEOUS PROVISIONS**

It is the intention of this section of the policy to clarify special circumstances, which may arise in establishing the benefit to lots as a result of public improvements completed by the City of Ashland.

- a) The policies set forth in this document do not alter the requirements of the City's subdivision and zoning codes with regard to a developer's responsibility to provide and pay for required improvements at the time that any given property is to be improved.
- b) The City of Ashland shall special assess improvements to railroad property as permitted by the Wisconsin Statutes, except as may otherwise be determined by the City Council.
- c) The City of Ashland shall bear 100% of the costs associated with constructing sidewalks on city-owned properties.
- d) The City of Ashland's utilities shall bear 100% of the costs associated with constructing sidewalks on utility properties (allocated to the appropriate utility).
- e) Projects constructed by Federal or State monies/agencies that include full payment of sidewalk construction costs as part of the respective projects are not subject to Property Assessments. Those that provide partial or no payment of sidewalk construction costs will be special assessed, subject to the specific requirements of pertinent federal and state funding sources.

- f) Property owners undertaking their own work, or arranging for pre-approved contractors to do so, shall not be special assessed. However, they are responsible for completing all work as described herein and in accordance with Ordinance 530.

**SUBJECT:** Proposed Amendment to Ordinance 544.22, Reserved Parking Places (*Public Works*)

**RECOMMENDATION:** Advance to Council for formal approval

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**DEPARTMENT OF ORIGIN:** Public Works

**CLEARANCES:** Public Works Committee

- EXHIBITS:**
- 1. 544.22 Revisions
  - 2. 544.22 Maps (1)
  - 3. AUMC City of Ashland Public Works Request

**COMPLIANCE WITH STRATEGIC PLAN:**

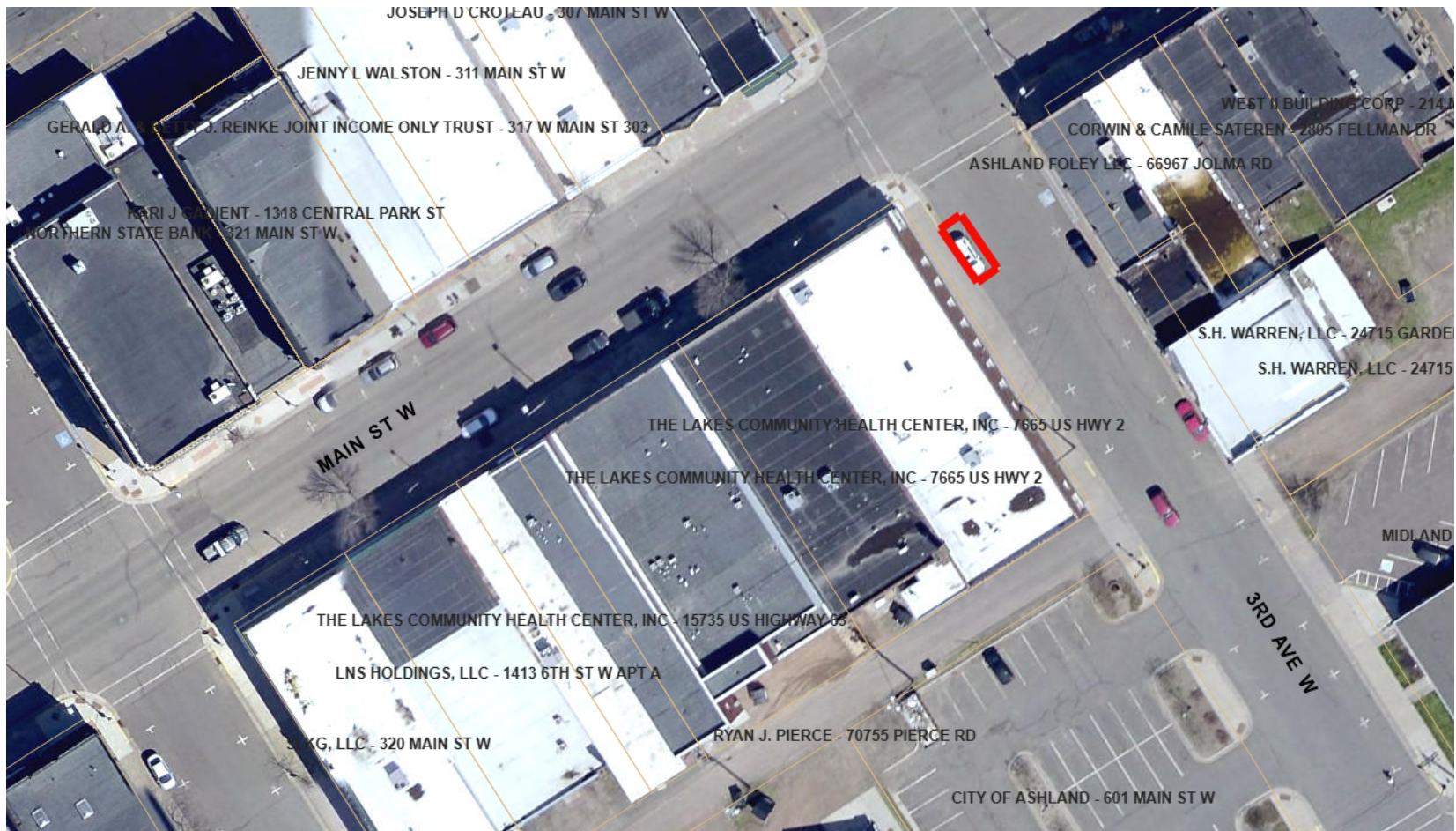
**SUMMARY STATEMENT:**

City Staff received requests from Northlakes Community Clinic and the Ashland United Methodist Church/Chequamegon Unitarian Universalist Fellowship for additional on-street handicap parking stalls near their facilities. The requests were forwarded to the Public Works Committee for consideration. The Public Works Committee recommended approval of the additional stall for Northlakes Community Clinic to be located on the west side of the 200 block of 3rd Ave W directly south of the intersection with Main Street and recommended approval of an additional stall directly north of the existing stall on the west side of the 200 block of 6th Ave W north of the intersection with 3rd Street. The Disabled Parking Committee also recommended approval for these stalls, though it falls outside their jurisdiction. This modifies 544.22(c) and adds 544.22(af). Additionally, removing references to establishments that are no longer in business in 544.22(i) and 544.22(x).

### **544.22 Reserved Parking Places**

The City of Ashland specifically designates the following parking spaces as reserved for parking for motor vehicles used by physically disabled persons:

- (a) On the north side of Main Street West, west of its intersection with Tenth Avenue West.
  - (b) First space on the east side of 6th Avenue West south of the intersection of Main Street West.
  - (c) **Two** ~~one~~ spaces on the west side of Sixth Avenue West, north of the intersection with Third Street West.
  - (d) Two spaces on the west side of the 200 block of Vaughn Avenue; one north of the alley and one south of the alley.
  - (e) On the east side of Fourth Avenue West, north of its intersection with Main Street West.
  - (f) On the east side of the 200 block of 3rd Avenue West.
  - (g) On the west side of the 100 block of Third Avenue West north of the intersection with Main Street.
  - (h) On the north side of the 600 block of Main Street West west of the emergency exit of City Hall.
  - (i) On the boulevard on the east side of the 100 block of Prentice Avenue ~~adjacent to Country Kitchen.~~
  - (j) On the east side of the 700 block of Beaser Avenue in front of the CESA building.
  - (k) On the east side of 10th Avenue West in the first space north of Main Street.
  - (l) On the east side of 3rd Avenue East in the 100 north block adjacent to the NSP building.
  - (m) On the east side of the 200 Block of Chapple Avenue.
  - (n) On the South Side of the 100 Block of 10th Street East, adjacent to the Middle School.
  - (o) On the North Side of the 100 Block of 11th Street East, adjacent to the Middle School.
  - (p) Two spaces on the south side of Admiral Leahy Drive adjacent to the Sigurd Olson Environmental Institute.
  - (q) On the south side of the 1300 Block of 7th Street West, adjacent to the Beaser Park Little League Field.
  - (r) On the west side of the 200 block of 3rd Avenue East, south of the intersection with Main Street.
  - (s) On the west side of the 200 block of 2nd Avenue West, south of the intersection with Main Street.
  - (t) On the south side of the 800 block of Main Street West, east of the parking lot entrance.
  - (u) On the north side of the 400 block of Main Street East, east of the intersection with Prentice Avenue.
  - (v) On the north side of the 400 block on Main Street East, west of the intersection of 5th Avenue East
  - (w) In Central Railyard Park, closest to the entrance of the playground.
  - (x) One space on the northeast intersection of Main Street and Sixth Avenue West, ~~adjacent to the Golden Glow Restaurant.~~
  - (y) The first space on the intersection of Main Street and 2nd Avenue East.
  - (z) One space in front of 220 6th Street East, on the west side of the stairway for Ashland County Law Enforcement offices.
- 
- (aa) On the east side of the 300 Block of Third Avenue West, the third parking space north of the intersection of 3rd Street.
  - (ab) On the east side of the 300 block of Beaser Avenue.
  - (ac) 311 Main Street East.
  - (ad) The first space west of the alleyway on the south side of the 800 Block of Main Street West.
  - (ae) The first space east of the driveway on the south side of the 700 Block of Main Street West.
  - (af) On the west side of the 200 block of 3rd Avenue West, south of the intersection with Main Street West**



544.22 (af) Map



544.22(c) Map

October 22, 2025

To: Ashland Public Works Committee  
C/O David Garrison

From: Ashland Area Methodist Church and Chequamegon Unitarian Universalist Fellowship

RE: Additional Handicap Parking on 6<sup>th</sup> Avenue West

Dear Public Works Committee:

Ashland's United Methodist Church would like to request an additional one or two handicap designated parking places on 6<sup>th</sup> Ave. West, adjacent to the church building (west side of street). Please see the attached image for location. There is currently one spot designated as handicap, but this is inadequate to meet the accessibility needs during community events and Sunday services held at this building. One or two additional handicap spots to this area would alleviate concerns about being able to access the building.

With the closing of Northland College, the Chequamegon Unitarian Universalist Fellowship (CUUF) is now meeting at the Ashland United Methodist Church. There are now two services on Sunday mornings, with over 100 people in attendance between the two fellowships. These two congregations are working together to maintain this historic building while providing services and community offerings in downtown Ashland. In addition to this increase in usage, the overall dynamics of an aging population in our region means that more attendees have limited mobility and accessibility needs.

Given this area of the city, we don't believe this change would negatively impact parking for area businesses or community events. These spots are often unfilled most weekdays, unless they are occupied by people at the church.

Thank you for considering this request to increase accessibility for elders and those with mobility disabilities and different abilities.

Yours Sincerely,

Rev. Teena Racheli, Minister of Ashland United Methodist Church  
Rev. Stacy Craig, Minister of Chequamegon Unitarian Universalist Fellowship



Area map with orange highlight of requested handicap parking spots

**SUBJECT:** Updating and Clarifying the Marina Park Boundary and the Marina (Public Harbor Facilities) Boundary (*Mayor*)

**RECOMMENDATION:** Discussion and Possible Action

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**DEPARTMENT OF ORIGIN:** Mayor

**CLEARANCES:**

**EXHIBITS:** 1. Ariel Map of Marina Boundaries

**COMPLIANCE WITH STRATEGIC PLAN:** Infrastructure

**SUMMARY STATEMENT:**

I would like Council to clarify some key public property sites (boundaries) and would like to start with the Marina and the neighboring city park, (Marina Park).

The Marina is a Harbor Commission responsibility, whereas the Marina Park is a Park and Recreation asset. I have consulted with both department heads in a joint meeting about this recommendation. My desire is to improve the appearance and I hope to increase the use of both properties.

**Marina** (Harbor Commission operation)

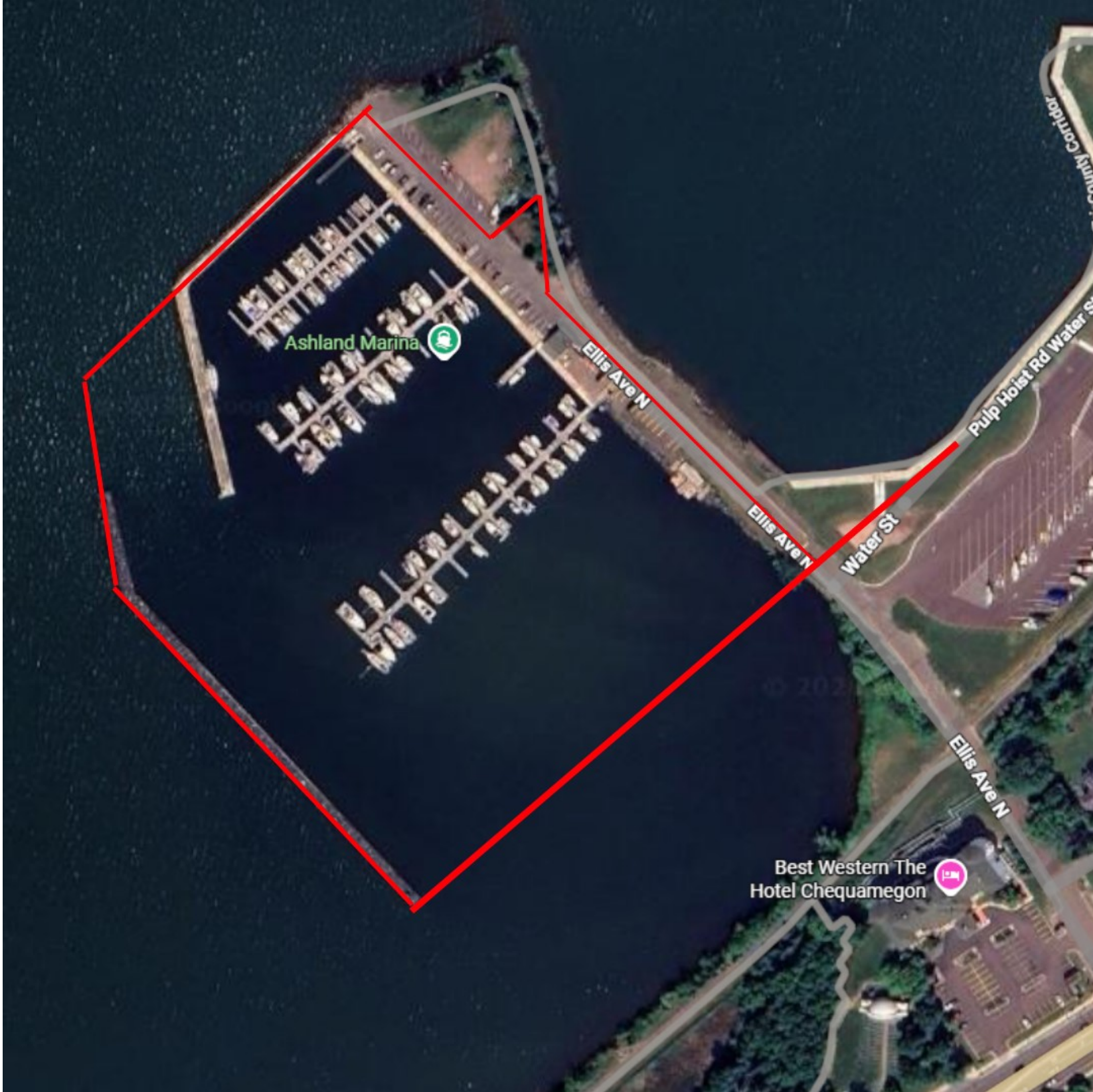
The Harbor Commission shall oversee the marina within the City of Ashland. The Ashland City Marina is as follows:

- The land, buildings and waterway structures directly west of North Ellis Avenue north of the shoreline starting at Monks lane. This includes the water surface area within the West breakwater and the north breakwater.
- The entire northern breakwater that extends from the shore at the north end of Ellis Avenue is also included (See the attached map with the boundary marked in red).
- The shed and old fenced-in area west of the walking path (the old gas storage tank location) is included as marina property. Note: Parking on the east side of Ellis Avenue, north of the storage building area, will be part of Marina Park, and designated as parking for the park known as “Marina Park”

**Marina Park** (City Park adjacent to the Marina)

The Marina Park will be the area east of Ellis Avenue to the lake shore, north of Monks Lane (excluding the storage building and the area identified for Marina use). Note: Parking on the East side of North Ellis shall be parking for Marina Park.

Intention: To clarify by city resolution these two areas of our waterfront property.



**SUBJECT:** Proposed Amendments to Chapter 888 Transient Vendors, Transient and Permanent Merchants, and Door to Door Solicitors; and Chapter 889 Mobile Food Establishments, Concessions, and Food Vendors (*City Clerk*)

**RECOMMENDATION:** Advance to Council for formal approval

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**DEPARTMENT OF ORIGIN:** City Clerk

**CLEARANCES:** City Attorney

- EXHIBITS:**
- 1. 888 Revisions
  - 2. 889 Revisions
  - 3. 165 Revisions

**COMPLIANCE WITH STRATEGIC PLAN:**

**SUMMARY STATEMENT:**

The City Clerk's Office and the Director of Community Events have proposed amendments to the Ordinances regarding Vendors and Food Trucks at City Sponsored Events. The Amendments provide City Staff with discretion as to who may participate in City Sponsored Events, provide a one-day option for Food Trucks Licenses that did not previously exist, provide a set of rules of conduct for vendors at City Sponsored Events, create a registration fee for large events, and adjust Food Truck License Fees and descriptions in the Comprehensive Fee Schedule for vendors at City Sponsored Events.

### **888.01 Registration And License Required**

A Transient Vendor, Transient Merchant or Door to Door Solicitor shall not operate within the City without first securing a license from the City. Applications shall be made to the City Clerk. The fee for a Transient Vendor, Transient Merchant and Door to Door Solicitor shall be charged in accordance with Chapter 165, Comprehensive Fee Schedule. The fee may be waived for non-profit organizations. The City Clerk or designee may issue licenses for transient vendors for the sale of specified merchandise or services in certain specified locations which shall be operated and conducted in accordance with the requirements and limitations expressed in this section.

#### HISTORY

Adopted by Ord. [2022-1962](#) on 5/31/2022

### **888.02 Definitions**

1. “Transient Merchant” and “Transient Vendor” in this instance means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. 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.
2. “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 among the communities bordering the place of sale, or (2) has continuously resided in the communities bordering the place of sale and now does business from his/her residence.
3. “Door-to-Door Solicitor” means any person, whether a permanent or transient merchant, who attempts to sell merchandise or services directly to residents by physically calling upon their dwelling place.
4. “Merchandise” shall include personal property of any kind, including 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.
5. “Services” shall include the functional services ancillary to the supply of the goods, such as transportation and any other incidental services, such as installation, commissioning, provision of assistance, training, catering, gardening, security, maintenance and other such obligations of the supplier covered under a contract.
6. “Charitable Organization” shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.
7. “Clerk” means the City Clerk.
8. “Special City-Sponsored Event” for this instance shall include a specific duration of an event which the organizer is the City or is working in collaboration with the City.

#### HISTORY

Adopted by Ord. [2022-1962](#) on 5/31/2022

### **888.03 Applications**

1. Applicant Information. Applicants for a transient vendor or 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.
2. Required Documents. Applicants for a transient vendor or 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 copy of the business' Wisconsin Seller's Permit;
    4. 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.
  3. Fee. At the time the transient merchant or door-to-door solicitor application is submitted to the clerk, a fee shall be charged in accordance with Chapter 165, Comprehensive Fee Schedule, to cover the cost of processing said application. 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.
  4. 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.

#### HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

#### **888.04 Issuance**

The City Clerk or appointed staff may issue the license subject to the below standards:

1. Complete application and required documentation submitted to the City Clerk;
2. Background check and approval from the Ashland Police Chief;
3. Verification of compliance of Ch. 923.10 from the City Treasurer;
4. Certificate of liability insurance naming the City of Ashland as Certificate Holder, or other acceptable proof of insurance.
5. Incomplete applications or failure to submit the required documentation as required will be denied.
6. License fees shall be valid for a maximum of one year (12 consecutive months) and set forth according to Chapter 165 Comprehensive Fee Schedule. No fee paid shall be refunded if the application is denied or withdrawn.

7. All approved licenses and/or permits must be displayed to the public upon the premises or vehicle for which is issued, or carried upon the person, and shall be displayed to any officer of the City upon request.

HISTORY

Adopted by Ord. [2022-1962](#) on 5/31/2022

**888.05 Exemptions**

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

1. Any person or business representative delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
2. Any person or business representative selling merchandise directly to other established businesses within the City of Ashland.
3. Local youth organizations.
4. Any person not representative of a commercial business selling agricultural or perishable products which the person has grown, or any fish which the person has caught.
5. 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.
6. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.
7. 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.
8. Any individual licensed by an examining board as defined in s. 15.01(7), Wisconsin Statutes.
9. 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:
  2. Name of organization.
  3. Names and addresses of officers of the organization.
  4. Description and approximate dates of the solicitation event(s).
  5. Names of individuals to be involved in solicitation.
  6. Proof of charitable status. 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. Each member of such organization shall carry at all times proof of identification associated with their organization, and shall be displayed at the request of any officer of 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.

HISTORY

Adopted by Ord. [2022-1962](#) on 5/31/2022

**888.06 Special Event Permitting**

~~A Special Event Permit is defined as a permit to operate a merchandise or service vendor for the entire duration of a City-sponsored event, or event organized in collaboration with the City as determined by the City.~~

- ~~1. Duration. The duration of a Special Event is determined by the organizer and/or City. The holder of a Special Event Permit must cease operation on or before 10:00 p.m. on the final day of the Special Event.~~
- ~~2. Fee. The fee for a Special Event Permit is \$50.00. Should the applicant choose within thirty (30) days of the Special Event to apply for a ninety (90) day, six (6) month, or twelve (12) month permit through the Clerk, this \$50.00 would be credited toward that permit fee. The regular fee schedule as stated in Ch. 165 Comprehensive Fee Schedule shall apply for applicants participating in an event not sponsored or co-sponsored by the City.~~
- ~~3. Exceptions. Any and all merchandise or service vendors are subject to the Special Event Permit fee regardless of the location within the City which the Event is held, and regardless if the vendor is a business owner or operator of the City of Ashland, except that operator is conducting business on and immediately adjacent to their property such as outside its store front or in its owned parking lot.~~
- ~~4. Required Documentation. All applicants of a Special Event Permit must submit payment with the completed application supplied by the City of Ashland, along with any other documentation required by the City to be considered. Any uncompleted applications may be denied for such permit. Any right of way permits required or special accommodations needed are the responsibility of the applicant.~~
- ~~5. Approval. All applications may be reviewed and approved by City staff including but not limited to: City Clerk, Public Works, Parks and Recreation, Police Department, Fire Department, and/or Planning and Development. The vendor shall display their license in a window or other viewable location at all times.~~

#### HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

#### **888.06 City-Sponsored Events**

~~A City Sponsored Event is defined as a City-sponsored event, or event organized in collaboration with the City as determined by the City. All Vendors are required to have a license issued by the City of Ashland.~~

- ~~1. Duration. The duration of a City-sponsored event is determined by the organizer and/or City. Vendors must cease operation on or before 10:00 p.m. on the final day of the Event.~~
- ~~2. Fee. City-sponsored events have a fee for vendor registration of \$50. Vendors will not be charged a license fee for participating in a City-sponsored event.~~
- ~~3. Participation. Participation by vendors is not guaranteed at City-Sponsored Events. All vendors are required to have confirmed attendance with City staff at least twenty-four (24) hours before arrival. Participation by vendors is at the sole discretion of City staff based upon, but not limited to:
  - ~~(a) Space limitations.~~
  - ~~(b) Vendor's behavior at prior events, both City-sponsored and non-City sponsored, including, but not limited to, ordinance or rule violations.~~
  - ~~(c) Potential threat to the health, safety or general welfare of the public.~~
  - ~~(d) Vendor's failure to hold a required license or permit from City of Ashland or the State of Wisconsin.~~~~
- ~~4. Rules of participation. Vendors are required to abide by the following rules and expectations while operating at a City-sponsored event;
  - ~~(a) Generators shall be placed in such a way to limit noise pollution for attendees.~~
  - ~~(b) All display or reference to political or politically adjacent activities is prohibited.~~~~

- (c) Listen and adhere to guidelines established by City staff/Event organizers.
  - (d) Demonstrate overall good and civil behavior.
  - (e) Remain open for the duration of the event, maintaining stock based on predicted attendance and weather conditions.
5. License. Vendors will be issued a license for the day of the event. Vendors shall display their license in a viewable location at all times.

**888.07 Prohibited Practices**

A transient merchant or door-to-door solicitor shall be prohibited from:

1. Calling at any dwelling or other place between the hours of 8:00 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,” “No Solicitors” or words of similar meaning;
3. Calling at the rear door of any dwelling place;
4. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
5. 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.
6. 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.
7. 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.
8. 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 Parks Director or Board.
9. 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.

HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

**888.08 Disclosure Requirements**

1. 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.
2. 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.

3. 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.

HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

**888.09 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.

HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

**888.10 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.

HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

**888.11 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:

1. Fraud, misrepresentation, or incorrect statement contained in the application for license;
2. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business as a solicitor, or transient merchant;
3. Any violation of this ordinance;
4. Conducting the business of solicitor, 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.
5. Conviction of any crime or misdemeanor.

HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

**888.12 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.

HISTORY

*Adopted by Ord. [2022-1962](#) on 5/31/2022*

**888.13 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.

**Replace:**

### **889.01 Registration And License Required**

A Mobile Food Establishment, Concession or Vendor shall not operate within the City without first securing a license from the City. Applications shall be made to the City Clerk. The fee for a Mobile Concession Food Vendor shall be charged in accordance with Chapter 165, Comprehensive Fee Schedule. The fee may be waived for non-profit organizations. The City Clerk or designee may issue licenses for the sale of specified food and beverage items from mobile food establishment on the public streets and in certain specified locations adjacent to city parks, which shall be operated and conducted in accordance with the requirements and limitations expressed in this section. This ordinance does not intend to regulate home delivery of food or beverage items, nor temporary food/product stands, which may be regulated by a transient merchant permit, outdoor establishment permit, or other City codes.

#### HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

### **889.02 Definitions**

1. “Mobile Concession”, “Food Vendor” or “Mobile Food Establishment” shall include individuals and organizations that engage in the sale of concessions from motor vehicles, self-propelled vehicles, manually propelled vehicles, and trailers.
2. “Concessions” are defined as foods and beverages either prepared onsite or prepackaged, intended to be consumed at the point of purchase.
3. “Charitable Organization” shall include any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such.
4. “Clerk” means the City Clerk.
5. “**Special City-Sponsored Event**” shall include a specific duration of an event which the organizer is the City or is working in collaboration with the City.

#### HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

### **889.03 Application And Required Documentation**

1. Each applicant must submit to the clerk a completed application with signature along with the following: 1) A copy of a passing inspection report from the County Health Department or State of WI. Mobile food establishments shall acquire all mandated licenses and permits for any additional food or beverage items deemed necessary by the county or state, even if not explicitly required by this section, for public health, safety or welfare purposes. 2) Proof of liability insurance or Certificate of Insurance naming the City of Ashland, for any single accident and for any property damage in the amount of not less than \$1,000,000.00. Such liability insurance shall be in effect at all times that the mobile food establishment is licensed in accordance with this section. 3) Payment according to Ch. 165 Comprehensive Fee Schedule. 4) A copy of the business’ Wisconsin Seller’s Permit.
2. Each mobile food establishment shall be separately licensed and such license shall not be transferable to another mobile food establishment. Such license shall be conspicuously displayed within the mobile food establishment.
3. A mobile food establishment shall meet the following vehicular requirements: 1) Shall be designed and constructed specifically for the purpose of selling or dispensing the product(s) to be sold or dispensed; and 2) Shall have valid license plates and registration as required by Wis Stat. Ch 341;

and 3) Shall be in compliance with all Federal, State, and local laws or regulations which govern motor vehicles including but not limited to vehicle size requirements; and 4) Shall be in a safe, operable condition with no visible signs of deterioration.

#### HISTORY

*Amended by Ord. [2016-1876](#) Amends Section 889.03. Application and Required Documentation. Adds item (k) regarding minors operating lemonade stands. [RELOCATED TO 889.04 BY 2022-1963] on 7/12/2016  
Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.04 Exceptions**

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

1. Any individual licensed by an examining board as defined in s. 15.01(7), Wisconsin Statutes.
2. 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. This provision does not include “Special Events.”
3. 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.
4. 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. 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 organizations, a permit upon which shall be inscribed the name of each member, the name of the organization and dates and purpose of the solicitation.

#### HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.05 Investigation**

1. 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. All vehicles may be subject to inspection of the Ashland Fire Department.
2. Treasurer’s Certificate. Each applicant must be in compliance with Ch. 923.10

3. 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.

#### HISTORY

Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022

#### **889.06 Appeal**

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

#### HISTORY

Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022

#### **889.07 Prohibited Practice**

1. No mobile food establishment shall operate between the hours of 12:00 a.m. and 8:00 a.m. during Special Events.
2. Licensed mobile concession/food vendors shall be allowed to operate only between the hours of 9:00 a.m. and 10:00 p.m.
3. No mobile food establishment shall use City water, electricity or other utilities in the course of its operations in accordance with this section without the consent of city staff prior to use.
4. No Mobile Food Establishment shall sell alcohol or allow its consumption in the mobile food establishment.
5. No mobile concession or food vendor 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 Parks & Recreation Committee, or as allowed within Sec. 889.07(i).
6. No licensee nor any person in his behalf, shall use any bells, lights or sound amplifying device or any other noise-makers other than music 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. Such music shall not be used after 10:00 p.m. on any day and shall maintain compliance with city ordinances at all times.

#### HISTORY

Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022

#### **889.08 Location Of Operation**

1. A mobile food establishment 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/Food Vendor, the officer shall have the right to order the vendor to cease selling at that location(s).
2. A mobile food establishment shall not park along any one city block or equivalent length of street for a duration exceeding 6 hours on any given day, excluding "Special Events". Parking exemptions shall not be issued to a licensee under this section.

3. A mobile food establishment shall not be permitted to operate in those areas of the city and any adjacent streets that are situated within a residential zoning district.
4. A mobile food establishment, licensee or the licensee's agents or employees shall not reserve or otherwise hold parking spots on the public streets or in city parks.
5. No mobile food establishment shall operate on any public street within 300 feet of any established restaurants in the city, unless the mobile food establishment obtains written permission from all adjacent restaurants in operation, and retains such permission within the mobile food establishment.
6. No sales shall be permitted with 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, unless the mobile food establishment obtains written permission from all adjacent established operating concessions, or unless permitted by the event director/organizer during a "Special Event."
7. All mobile food establishments shall at all times provide at least four (4) feet of width on all sides for clear and unobstructed pedestrian, bicycle, or other permissible use.
8. No mobile food establishment shall obstruct an adjacent path or lane of travel, including motor vehicle lanes, bicycle lanes, sidewalks, trails or other designated parking areas.
9. Parking of Mobile Concession units on private property is allowable by the City as long as their location does not impede the flow of traffic in the area, and as long as they hold a city Mobile Food Establishment license and have permission of the property owner.
10. City staff may waive the six-hour operation limit and authorize food vendors to sell food items intended for on-site consumption in City parks for a period of five (5) consecutive days or less during a specified or Special Event. Said food vendors will be required to complete an application and pay a fee as set by Ch. 165.

#### HISTORY

Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022

#### **889.09 "Special Event" Permit**

"Special Event" Permit. A Special Event Permit is defined as a permit to operate a mobile concession/food establishment for the duration of a City-sponsored event, or event organized in collaboration with the City as determined by the City.

- ~~1. Duration. The duration of a Special Event is determined by the organizer and/or City. The holder of a Special Event Permit must cease operation on or before 10:00 p.m. on the final day of the Special Event.~~
- ~~2. Fee. The fee for a Special Event Permit is \$50.00. Should the applicant choose within thirty (30) days of the Special Event to apply for a six (6) month, nine (9) month or twelve (12) month permit through the Clerk, this \$50.00 would be credited toward that permit fee. The regular fee schedule as stated in Ch. 165 Comprehensive Fee Schedule shall apply for applicants participating in an event not sponsored or co-sponsored by the City.~~
- ~~3. Exceptions. Any and all mobile concession vendors are subject to the Special Event Permit fee regardless of the location within the City which the Event is held, and regardless if the mobile concession vendor is a business owner or operator in the City of Ashland, except if that operator is conducting business on and immediately adjacent to their property such as outside its store front or in its owned parking lot.~~
- ~~4. Required Documentation. All applicants of a Special Event Permit must submit payment with the completed application supplied by the City of Ashland, along with any other documentation required by the City to be considered. Any uncompleted applications may be denied for such~~

~~permit. Any right of way permits required or special accommodations needed are the responsibility of the applicant.~~

- ~~5. Approval. All applications may be reviewed and approved by City staff including but not limited to: City Clerk, Public Works, Parks and Recreation, Police Department, Fire Department, and/or Planning and Development. The mobile concession vendor shall display their license in a window or other viewable location at all times.~~

## HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

### **889.09 City-Sponsored Events**

A City Sponsored Event is defined as a City-sponsored event, or event organized in collaboration with the City as determined by the City. All Mobile Concession Vendors are required to have a license issued by the City of Ashland.

1. Duration. The duration of a City-sponsored event is determined by the organizer and/or City. Vendors must cease operation on or before 10:00 p.m. on the final day of the Event.
2. Fee. City-sponsored events that are expected to have more than 500 attendees will be assessed a fee of \$200 for mobile concession vendors to attend in addition to the license cost. City-sponsored events that are expected to have less than 500 attendees will not be assessed an additional registration fee.
3. Participation. Participation by Mobile Concession vendors is not guaranteed at City-Sponsored Events. All mobile concession vendors are required to have confirmed attendance with City staff at least twenty-four (24) hours before arrival. Participation is at the sole discretion of City staff based upon, but not limited to:
  - (a) Space limitations.
  - (b) Vendor's behavior at prior events, both City-sponsored and non-City sponsored, including, but not limited to, ordinance or rule violations.
  - (c) Potential threat to the health, safety or general welfare of the public.
  - (d) Vendor's failure to hold a required license or permit from the City of Ashland or State of Wisconsin.
4. Rules of participation. Mobile concession vendors are required to abide by the following rules and expectations while operating at a City-sponsored event;
  - (a) Generators shall be placed in such a way to limit noise pollution for attendees.
  - (b) All display or reference to political or politically adjacent activities is prohibited.
  - (c) Listen and adhere to guidelines established by City staff/Event organizers.
  - (d) Demonstrate overall good and civil behavior.
  - (e) Remain open for the duration of the event, maintaining stock based on predicted attendance and weather conditions.
5. License. Mobile Concession License holders of the City's ten non-consecutive day license will be able to attend City-sponsored events without using the operating days on their license and will be issued a one-day license for the event. License holders of the City's 90-day license will be able to attend City-sponsored events outside of the 90-day window on their license and be issued a one-day license for the event. The mobile concession vendor shall display their license in a window or other viewable location at all times.

### **889.10 Ice Cream Trucks**

Ice cream trucks which serve prepackaged frozen, ready to eat items are allowed to sell in residentially zoned areas throughout the City, but must keep moving unless serving a customer. Generally, there is no

long- or short-term parking of Mobile Concession units in residential areas. They do require the same City permits as other stationary Mobile Concession units as well as a local mobile food establishment license.

HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.11 Exhibition Of License**

Mobile Concession/Food Vendors shall display their license in a window of their vehicle at all times of operation.

HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.12 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.

HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.13 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) Any violation of this ordinance; c) Conducting the business of mobile concession food vendor 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; d) Conviction of any crime or misdemeanor during the term of the license.

HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.14 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.

HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

#### **889.15 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.

HISTORY

*Adopted by Ord. [2022-1963](#) Chapter 889 (2022-1963). on 5/31/2022*

**City Clerk Fees**

	Notary Services	\$10.00	
	Council Packet	\$15.00	hard copy
	Committee of the Whole Packet	\$10.00	hard copy
	Planning Commission Packet	\$10.00	hard copy
	Budget Book	\$30.00	hard copy
		\$15.00	downloaded to City-supplied media
<u>Miscellaneous License Fees</u>			
	Arcade License (4 or more machines)	\$30.00	fee includes 1 machine
	Coin Operated Machine (i.e. game, darts, pool table, etc.)	\$25.00	each machine
	Duplicate Coin Machine License	\$15.00	per license
	Jukebox License	20.00	each machine
	Cigarette, Tobacco, Vaping License	\$75.00	
	Mobile Home Park License	\$5.00	each space
	Pawnbroker License	\$210.00	
	Recycling Junk Dealer License	\$100.00	
	Taxicab Operations License	\$50.00	per vehicle first vehicle
	2 or more vehicles	\$25.00	ea addl vehicle
	Taxicab License Transfer	\$50.00	1st vehicle
<u>Alcohol Licensing</u>	Operator/Bartender/Server License	\$30.00	one year
		\$50.00	two years

	Duplicate License (other than coin)	\$10.00	per license
	Change of Agent	\$10.00	
Per WI §125.04(3)(g)(5): The publication shall be printed in a daily newspaper on 3 successive occasions, or if a weekly newspaper is utilized, it shall be printed at least once.	Publication Fee Per Liquor License	\$15.00 if printed one time.	\$50.00 if printed 3 consecutive times (at Clerk's Discretion)
<i>Retail Sales outside of City-Sponsored Special Event</i>	Mobile Concession/Food Truck Vendor	\$20	single day license
		\$100.00	10 days or less (non-consecutive, Jan 1 thru Dec 31) + City-sponsored events
		\$250.00	90 days (consecutive, Jan 1 thru Dec 31) + City-sponsored events
		\$500.00	12 months (Jan 1 thru Dec 31)
<i>Retail Sales outside of City-Sponsored Special Event</i>	Transient Merchant/Solicitor	\$50.00	1 day
		\$200.00	week/7 days
		\$500.00	month/30 days
	Community Events – Food Truck/Mobile Concession Registration Fee (500+ Attendees)	\$200	
	Community Events – Non-Food Vendors Registration Fee	\$50	
	Special Event Fee	\$100.00 (nonrefundable) + \$500 refundable Damage Deposit	<a href="#">Refer to Ch. 875</a>
<u>Special Meeting of 3rd Party</u>			
	Council	\$1,050.00	
	Committee of the Whole	\$750.00	

<u>Public Records Requests</u>	Requestor shall be charged a fee to defray the cost of locating and copying records in accordance with Ordinance Chapter 133. A deposit may be required prior to completing any request.		
<u>Badger Voters Data</u> (includes sales tax)			
	Badger Voters Data Requests	\$50 + \$5 per 1000 voter records	\$5 for up to the first thousand, and then rounded to the nearest 1000
	Printed Data from Badger Voters	Total for Request (see above) plus print, copy and shipping fees	\$0.20 per single-sided page or \$0.30 for double-sided page, plus the cost of postage and shipping
<u>Accommodation Tax Permit Application Fee</u>		\$5.00	