



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, March 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. **Proposed Amendments to Chapter 888 (2022-1962) Transient Vendors, Transient And Permanent Merchants And Door To Door Solicitors, Ashland City Ordinances (Clerk)**
 - B. **Proposed Amendments to Chapter 889 (2022-1963) Mobile Food Establishments, Concessions and Food Vendors, Ashland City Ordinances (City Clerk)**
 - C. **Memorandums of Understanding between the City of Ashland and Ashland School District (Mayor)**
 - D. **Determination of Spring Council Retreat Date (Mayor)**
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: Proposed Amendments to Chapter 888 (2022-1962) Transient Vendors,
Transient And Permanent Merchants And Door To Door Solicitors,
Ashland City Ordinances (Clerk)

RECOMMENDATION: Advance to Council for formal approval

DEPARTMENT OF ORIGIN: Clerk

CLEARANCES: The Council as Committee of the Whole
previously discussed requested to revisit this item
for further discussion.

EXHIBITS:

1. Proposed Ordinance 2026-2032
2. Proposed Amendments Ch. 888 (2022-1962)
- Red-lined

**COMPLIANCE WITH STRATEGIC
PLAN:**

SUMMARY STATEMENT:

The City Clerk's Office and the Director of Community Events proposed amendments to Chapter 888 (2022-1962) regarding Vendors and Food Trucks at City Sponsored Events. The Amendments provide City Staff with discretion and authority to determine participation in City-Sponsored Events to align with the theme and purpose of the event. The proposed changes also provide a set of rules of conduct for vendors at City Sponsored Events.

Sequential Ordinance No 2026-2032

ORDINANCE TO AMEND CHAPTER 889 (2022-1963) MOBILE FOOD ESTABLISHMENTS, CONCESSIONS AND FOOD VENDORS, ASHLAND CITY ORDINANCES

The Mayor and Common Council of the City of Ashland do ordain as follows:

SECTION I:

889.02 Definitions *shall be amended to read as follows:*

- (e) “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.

SECTION II:

889.09 *shall be renamed and amended to read as follows:*

889.09 “City-Sponsored” Events

- (a) 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.
- (b) Fee. All participants must obtain a license from the City Clerk’s office as stated under Chapter 165 Comprehensive Fee Schedule.
 - 1. City-sponsored events that are expected to have more than 500 attendees will be assessed a fee of \$200 in addition to the license cost.
 - 2. City-sponsored events that are expected to have less than 500 attendees will not be assessed the additional fee.
- (c) 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:
 - 1. Space limitations.
 - 2. Vendor’s behavior at prior events, both City-sponsored and non-City sponsored, including, but not limited to, ordinance or rule violations.
 - 3. Potential threat to the health, safety or general welfare of the public.
 - 4. Vendor’s failure to hold a required license or permit from the City of Ashland or State of Wisconsin.
- (d) Rules of participation. Mobile concession vendors are required to abide by the following rules and expectations while operating at a City-sponsored event;

1. Generators shall be placed in such a way to limit noise pollution for attendees.
2. All display or reference to political or politically adjacent activities is prohibited.
3. Listen and adhere to guidelines established by City staff/Event organizers.
4. Demonstrate overall good and civil behavior.
5. Remain open for the duration of the event, maintaining stock based on predicted attendance and weather conditions.

(e) License. Mobile Concession License holders require a license issued by the City Clerk’s office as stated under 889.01. The mobile concession vendor shall display their license in a window or other viewable location at all times. When participating in a City-sponsored event, the license holder:

1. Will not be required to surrender a date of operation under their paid license.
2. May operate outside of the 90-day (3 month) or 180-day (6 month) paid license.

SECTION III

Effective Date. *This ordinance shall take effect on the day after publication.*

PASSED: February 24, 2026

PUBLISHED: March 5, 2026

Charles Ortman, Council President

ATTEST:

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney

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:

SUBJECT: Proposed Amendments to Chapter 889 (2022-1963) Mobile Food Establishments, Concessions and Food Vendors, Ashland City Ordinances (City Clerk)

RECOMMENDATION: Advance to Council for formal approval

DEPARTMENT OF ORIGIN: Clerk

CLEARANCES: The Council as Committee of the Whole previously discussed and requested to revisit the item for further discussion.

EXHIBITS:

- 1. Proposed Ordinance 2026-2032
- 2. Proposed Amendments Ch. 889 (2022-1963) - Red-lined

COMPLIANCE WITH STRATEGIC PLAN:

SUMMARY STATEMENT:

The City Clerk's Office and the Director of Community Events have proposed amendments to Chapter 889 (2022-1963) regarding Vendors and Food Trucks at City Sponsored Events. The Amendments provide City Staff with discretion and authority to determine participation in City-Sponsored Events to align with the theme and purpose of the event. The proposed changes also provide a set of rules of conduct for food concessions at City Sponsored Events.

Sequential Ordinance No 2026-2032

ORDINANCE TO AMEND CHAPTER 889 (2022-1963) MOBILE FOOD ESTABLISHMENTS, CONCESSIONS AND FOOD VENDORS, ASHLAND CITY ORDINANCES

The Mayor and Common Council of the City of Ashland do ordain as follows:

SECTION I:

889.02 Definitions *shall be amended to read as follows:*

- (e) “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.

SECTION II:

889.09 *shall be renamed and amended to read as follows:*

889.09 “City-Sponsored” Events

- (a) 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.
- (b) Fee. All participants must obtain a license from the City Clerk’s office as stated under Chapter 165 Comprehensive Fee Schedule.
 - 1. City-sponsored events that are expected to have more than 500 attendees will be assessed a fee of \$200 in addition to the license cost.
 - 2. City-sponsored events that are expected to have less than 500 attendees will not be assessed the additional fee.
- (c) 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:
 - 1. Space limitations.
 - 2. Vendor’s behavior at prior events, both City-sponsored and non-City sponsored, including, but not limited to, ordinance or rule violations.
 - 3. Potential threat to the health, safety or general welfare of the public.
 - 4. Vendor’s failure to hold a required license or permit from the City of Ashland or State of Wisconsin.
- (d) Rules of participation. Mobile concession vendors are required to abide by the following rules and expectations while operating at a City-sponsored event;

1. Generators shall be placed in such a way to limit noise pollution for attendees.
2. All display or reference to political or politically adjacent activities is prohibited.
3. Listen and adhere to guidelines established by City staff/Event organizers.
4. Demonstrate overall good and civil behavior.
5. Remain open for the duration of the event, maintaining stock based on predicted attendance and weather conditions.

(e) License. Mobile Concession License holders require a license issued by the City Clerk’s office as stated under 889.01. The mobile concession vendor shall display their license in a window or other viewable location at all times. When participating in a City-sponsored event, the license holder:

1. Will not be required to surrender a date of operation under their paid license.
2. May operate outside of the 90-day (3 month) or 180-day (6 month) paid license.

SECTION III

Effective Date. *This ordinance shall take effect on the day after publication.*

PASSED: February 24, 2026

PUBLISHED: March 5, 2026

Charles Ortman, Council President

ATTEST:

Denise Oliphant, City Clerk

Matthew MacKenzie, Mayor

APPROVED AS TO FORM:

Tyler Wickman, City Attorney

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

SUBJECT: Memorandums of Understanding between the City of Ashland and Ashland School District (*Mayor*)

RECOMMENDATION: Discontinue the MOU

DEPARTMENT OF ORIGIN: Mayor

CLEARANCES:

EXHIBITS:

1. 2025 Memorandum of Understanding between the City of Ashland and the School District of Ashland

COMPLIANCE WITH STRATEGIC PLAN:

SUMMARY STATEMENT:

The City has a Memorandum of Understanding (MOU) with the Ashland School District regarding their gymnastic program. I wish to end this MOU and discuss no longer being a part of the school's organized team sports programs. I wish to amend our policy to provide leisure and/or recreational opportunities for our City's residents. We can provide playing space but will not exclude others from having access to those spaces beyond a first-come basis or under our normal scheduling of use process. I am not aware of any other similar MOU's.

I want to be clear, that this is my recommendation based on problems we navigated through last year. Of note, we wish to continue to provide introduction classes and youth programs.

Memorandum of Understanding (MOU)
Between
the City of Ashland and the School District of Ashland

This Memorandum of Understanding is entered into between the City of Ashland, 601 Main Street West, Ashland, Wisconsin ("City"), and the School District of Ashland, 2000 Beaser Avenue, Ashland, Wisconsin ("SDA").

I. Definitions.

- Gymnastics shall refer to the Ashland High School Gymnastics program whose season runs between November 1 and March 31 annually.
- Special Events shall mean an activity that requires an extraordinary amount of SDA or City assistance for set up, cleanup, security, or coordination for which reimbursement of costs will be required.
- City Property shall mean the Bretting Community Center ("BCC") and all outdoor park and recreation space operated by the City with the exception of the Marina and boat launches.
- City Equipment shall mean the gymnastics equipment at the BCC gymnastics gymnasium that is owned by the City (i.e. high beam, uneven bars, vault table, matting, etc.)
- SDA Equipment shall mean the gymnastics equipment at the BCC gymnastics gymnasium that is owned by SDA (Springboard (1), U mat (1), 8" mat (1), sting mat (1), and Hand Placement mat(1)).
- SDA Property shall mean the SDA's gymnasiums, excluding the Ashland High School Fieldhouse, except for courts 1 & 2 when they are setting up for a home gymnastics meet.
- School Sponsored Event shall mean an activity taking place on City Property that requires an extraordinary amount of City assistance for set up, cleanup, security, supervision, or coordination for which reimbursement of costs will be required.

II. Understandings. Both the City and SDA are entities whose financial resources are becoming stretched as revenue streams diminish and expenses and needs continue to grow. The ongoing cost of operations of the BCC, City Property, and SDA Property may require user fees to be charged which will require the renegotiation or termination of this MOU.

III. Use of Facilities.

- a. SDA shall have use of the BCC Gymnastics Gymnasium for High School Gymnastics practices, during Gymnastics season, occurring between 3:30-8:30 PM and 6:00-7:45 AM for up to 4 evenings/mornings per week at no cost, provided as follows:
 - I. SDA provides adequate supervision for High School Gymnastics;

- II. SDA and the City work together to schedule the use of the BCC Gymnastics Gymnasium during the Gymnastics season;
 - a. Communication for the reservation of practices, meets, and the moving of equipment will come from the SDA Co-curricular office.
 - III. SDA and the City will update the equipment usage policy annually;
 - IV. The BCC is not adequately set up for Ashland High School Gymnastics meets but can be available as a Special Event for such purposes. SDA will incur costs associated with the Special Events and SDA will be responsible for the set-up, take down and clean-up of the Special Event; and
 - V. The BCC is available for a SDA Special Event no more than two (2) times per school year.
- b. The City shall have use of SDA Property subject to availability for City use at no cost.
 - c. SDA shall have use of City Property, including the BCC, for SDA Special Events subject to the availability for SDA use at a minimum /no cost.

IV. Scheduling Use of the BCC and other City Property.

- a. The City shall be responsible for scheduling the use of the BCC Gymnastics Gymnasium during the Gymnastics Season via the City's Parks and Recreation Department's registration/reservation system.
- b. The City's sponsored program shall have first priority for the use of the BCC Gymnastics Gymnasium during the Gymnastics season time slot for any day that has not been scheduled by an SDA school sponsored activity before October 15th of each year.
- c. City shall be responsible for scheduling the use of the BCC Gymnastics gymnasium during all other time periods.
- d. City shall be responsible for scheduling the use of other City property.

V. Reimbursement of Expenses

- a. SDA shall have use of the BCC gymnasium or other City Property for a School Sponsored Event without cost provided:
 - I. SDA provides adequate supervision of the School Sponsored Event; and
 - II. The City does not incur additional expenses from opening the BCC or other City Property at times or on days when such property is closed to the public.
- b. City shall have use of SDA facilities without cost:
 - I. For City and School Sponsored activities
 - II. For City sponsored activities provided SDA does not incur additional expenses for operations of SDA facility at times and on days when such property is closed to the public.
- c. Charges for facility use from one party to the other shall not be greater than the actual cost of employees that assisted in SDA or City use of the others' property.

VI. Storage and Usage.

- a. During the Gymnastics season, SDA shall be responsible for storing City Equipment in a safe and secure area when City Equipment is removed from the BCC.

- b. SDA shall use and operate City Equipment only for its intended purpose, in a careful manner and SDA shall not allow anyone other than SDA Gymnastics athletes and their competitors to use City Equipment shared under this Agreement.

VII. Liability.

- a. The City shall be responsible for the repair or replacement of SDA Equipment when such equipment is damaged while in use by anyone other than SDA athletes and their competitors when:
 - I. The SDA Equipment fails during its normal operation;
 - II. The SDA Equipment is being used as intended by the manufacturer; and
 - III. The SDA Equipment has received all required maintenance during its use by SDA.
- b. SDA shall be responsible for the repair or replacement of City Equipment if the equipment is damaged by SDA athletes and their competitors when:
 - I. The City Equipment fails during its normal operation;
 - II. The City Equipment is being used as intended by the manufacturer; and
 - III. The City Equipment has received all required maintenance during its use by the City.
- c. The City and SDA shall determine, in keeping with reasonable judgment, whether damaged /failed equipment shall be repaired or replaced.
- d. In cases where equipment damage is caused by a third party and that party assumes responsibility, SDA shall arrange to have the equipment repaired and shall seek reimbursement from the third party and/or that party's insurance carrier. SDA shall notify the City before commencing any repairs caused by a third party, and the City has the right to accept or reject the repairs upon inspection.
- e. After SDA removes and then returns City Equipment from City Property, the Parties shall assess any excess wear and tear on the City Property, and if excess wear and tear exists, based on mutual agreement of the Parties, then SDA will be responsible for the excess wear and tear.
- f. To the fullest extent permitted by law, SDA agrees to indemnify, defend, and hold harmless COA its officers, directors, employees, agents, and affiliates (collectively, the "Indemnified Parties") from and against any claims, liabilities, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs (collectively, "Claims"), arising out of or related to any injury occurring during or resulting from the use of the equipment.

VIII. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. An annual meeting will be held with participants from the City and SDA before or in June of each year to review this MOU.
- B. An additional meeting between ASD and the City will occur in October of each year to review the High School Gymnastics Season and Schedule.

- C. SDA will schedule the MOU review meeting.
- D. The City will schedule the High School Gymnastics season schedule meeting.

IX. RENEWAL AND TERMINATION

- A. This MOU will automatically renew every year on the date of the last signature of the parties in Section X. below (“Renewal Date”) unless one party provides written notice to the other party of its intention to terminate this MOU at least thirty (30) days prior to the Renewal Date.

X. EFFECTIVE DATE AND SIGNATURE.

This agreement will become effective when approved by the governing boards of both parties as evidenced by the signatures placed on this agreement.

Dated this ____ day of _____, 2025. Dated this ____ day of _____, 2025

On Behalf of the City of Ashland

On Behalf of the School District of Ashland

Matt MacKenzie, Mayor

Robert Prater, Superintendent

Denise Oliphant, City Clerk

Mary Kaulity
President

Board of Education

Charlie Ortman, City of Ashland Council
President