

ORDINANCE 1031

VENDORS ON PUBLIC PROPERTY

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Title 3, Chapter 11 of the Lake Mills Municipal Code, Vendors Licenses, is hereby created:

Chapter 11

VENDORS LICENSES

SECTION:

- 3-11-1: Scope
- 3-11-2: Vendor's License Required for Sale of Merchandise
- 3-11-3: Application for License
- 3-11-4: Fees and License Duration
- 3-11-5: Conditions of Vendor's Licenses
- 3-11-6: Revocation of Vendor's Licenses
- 3-11-7: Enforcement and Penalties

3-11-1: **SCOPE:** The provisions of this ordinance shall apply to all public property owned and controlled by the City of Lake Mills, including but not necessarily limited to parks and recreation areas, or other public property.

3-11-2: **VENDOR'S LICENSE REQUIRED FOR SALE OF MERCHANDISE:** No person, corporation, group, club or association may sell or give away any merchandise of any kind in any park or playground or on any other public property owned or controlled by the City, including rights-of-way, sidewalks, or parking lots, without a vendor's permit, as provided in this Chapter. This Chapter shall not apply to the following situations:

- A. The person, club, organization, group or corporation has obtained a Temporary Retail Class "B" or "Class B" liquor license under section 3-1-2, or has obtained a sidewalk café license under section 3-9-3.
- B. The person, club, organization, group or corporation has been permitted to sell merchandise under the Public Market permit issued under section 3-4-1.
- C. The person, club, organization, group or corporation has been authorized by the Council or Parks & Forestry Director to sell merchandise under a special permit for events in the parks, such as the periodic festivals or events in Commons Park, Sandy Beach Park or Rotary Park.
- D. The seller is authorized to sell merchandise under the direction of the Rotary Club in the concession stand at Rotary Park.
- E. The seller is authorized by the Council to sell merchandise in the bait shop or at the Sand Bar Restaurant at Sandy Beach Park.

3-11-3: **APPLICATION FOR LICENSE:** Each person, club, organization, group or corporation desiring to apply for a vendor's license to sell or give away merchandise in any park or playground, or on any

other public property owned or controlled by the City, shall file an application with the Deputy City Clerk on a form approved by the Parks & Forestry Director. The application shall contain the following information:

- A. The name, address and telephone number of the applicant.
- B. The location where the applicant proposes to sell or give away merchandise.
- C. The articles of merchandise proposed to be sold or given away.
- D. A description of any equipment that the vendor plans to use, including not only food preparation and food serving equipment, but also any cart or stand or display proposed to be used in the operation.
- E. The time period during which the vendor proposes to sell merchandise including the hours of operation and the days of the week when sales are anticipated to occur.
- F. A drawing of the footprint of the area of public property, including dimensions, where the applicant proposes the operation will occupy.

3-11-4: **FEES AND LICENSE DURATION:** The annual license fee of \$10.00 shall be paid by the applicant prior to issuance of the vendor's license, and such license shall automatically expire each year on December 31. Applications for new licenses may be made at any time after November 1. Consideration in renewals will be given to existing licensees, if all other factors remain equal.

3-11-5: **CONDITIONS OF VENDOR'S LICENSE:** Vendor's licenses, if granted by the Parks & Forestry Director, may be subject to conditions, including but not necessarily limited to a requirement that the licensee must move its operation to a new location of the Parks & Forestry Director's choosing if the licensee is so notified. Possible reasons for requiring a change in location may include but not necessarily be limited to park maintenance, making it necessary that the operation move to a new location, or safety concerns, necessitating that the operation move for the safety of the public. If the licensee is so notified to move the operation, a reasonable period of time to move the operation may be granted by the Parks & Forestry Director, with such time not to exceed twenty-four hours, unless for good cause shown the time period may be extended by the Parks & Forestry Director. The licensee shall also be deemed to be bound by all park rules and applicable ordinances as fully as though the same were inserted in writing in said license. The licensee shall also be prohibited from selling merchandise within any public right-of-way, which shall include public streets, tree lawns, sidewalks or parking lots.

3-11-6: **REVOCAION OF VENDOR'S LICENSES:** Failure to comply with the conditions of the license shall be deemed to be grounds to revoke the license. The Parks & Forestry Director is authorized to revoke any license for violation of the license conditions or any other applicable ordinance or park rule. Anyone aggrieved by the decision to revoke the license may appeal in writing within 5 days for a hearing before the City Manager on the issue of license revocation.

3-11-7: **ENFORCEMENT AND PENALTIES:** Any person, corporation, group, club or association violating any provision of this Chapter may be subject to a citation issued by the Lake Mills Police Department that has a penalty of not less than \$50.00, plus costs, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. Section 3-2-8-A-3 is amended as follows:

- A. Prohibited Practices:
 - 3. No direct seller or solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. ~~Where sales are made from vehicles, all traffic and parking regulations shall be observed.~~ **No sales may be conducted in the public right-of-way, including streets, tree lawns, sidewalks, and**

public parking lots, unless otherwise permitted during the Public Market under a license granted to the Main Street Program, and then only if specifically authorized in the license.

Section 3. Section 7-7-17 is amended as follows:

7-7-17: MERCHANDISING, ADVERTISING, AND SALES:

- A. No person may ~~expose~~ **advertise** or offer for sale any article or thing, nor shall any person station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing in the parks, **unless a vendor's license has been granted under 3-11-2, or unless the Council or Parks and Forestry Director have authorized such activities in conjunction with the Public Market or any special event officially permitted in the parks, such as the periodic festivals or events in Commons Park, Sandy Beach Park, or Rotary Park.**
- B. ~~Exceptions to this prohibition may be permitted by the Parks and Forestry Director, and sales in Commons Park by vendors, s~~ **Sales of items under the direction of the Rotary Club in the concession stand at Rotary Park, and sales within the bait shop and Sand Bar Restaurant at Sandy Beach, and sales that are permitted during the Public Market under a license granted to the Main Street Program are excepted automatically from the prohibitions of this paragraph section.**
- C. With the exception of these permitted sales activities **under paragraphs A and B** ~~in the parks,~~ no person may advertise, announce or call to the public's attention any article or service for sale **in the parks,** and no person may paste, glue, tack or otherwise ~~post~~ **affix** any sign, placard or advertisement in any park, unless specifically authorized by the Parks and Forestry Director.

Section 4. This ordinance was sponsored by Council member Ed Grunden under section 1-5B-5.

Section 5. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this _____ day of _____, 2008.

Attest:

, Council President

James E. Heilman, City Clerk-Treasurer