

## **Chapter 67 - SALES ON PUBLIC STREETS**

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### **Sec. 67-1. - License for selling on public streets.**

It shall be unlawful for any person to vend, sell or offer for sale or procure the sale of any services, goods, wares, tokens, or foodstuffs, or any other article of any kind by putting up a booth, preparing or setting up the vending cart, stand or equipment, preparing food, beverage or articles for sale, stopping a vehicle or person on foot, interacting with potential customers in or around a vending site, taking names for the purpose of making future sales, offering applications or other materials for future sales, or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any such articles or services upon any highway, street, alley, sidewalk, unless such person shall have first applied for and obtained the appropriate license required by this chapter.

For purposes of this section, "vending" includes the activities described above and any other activity that furthers a vending operation at a vending site. "vending" does not include the act of delivering the cart, equipment, or necessary equipment and supplies to and from a vending site. However, unlicensed individuals shall not remain in or around a vending cart, stand or site for any length of time, whether open or closed for business, unless expressly permitted under another subsection of this chapter or unless they are customers waiting to be served.

(Ord. No. 2011-O-13, § 1, 5-24-2011)

### **Sec. 67-2. - Vending in parks.**

No vending shall be conducted, upon any park, playground, recreation area, or athletic field owned or operated by the city unless approved by the parks director, pursuant to policies adopted by the parks commission. The parks director's decision may be appealed to the parks commission.

(Ord. No. 2011-O-13, § 1, 5-24-2011)

### **Sec. 67-3. - Applications.**

An application for a vending license shall be filed with the director of community and economic development or designee, shall contain such information as the director may require, shall specify in detail the food, goods or services to be offered for sale and shall designate a specific vending site, unless the type of vending sales proposed are those typically performed in a non-stationary manner i.e., summer ice cream sales. The application shall be approved if all applicable ordinance requirements have

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been met. Licenses shall be issued and signed by the city clerk and shall be conspicuously displayed at the place where such sales are being made.

- (1) Vendor license fees and durations:
  - a. Vendor license (annual). Annual licenses shall be issued on the fifteenth day of April each year or thereafter when applied for, and shall expire on the fourteenth day of April following its issuance.
  - b. Vendor license (monthly). Such license shall be issued for 30 days and shall set forth the date of expiration.
  - c. Vendors license (special events). Such license may be issued for a community festival or other special event. Notwithstanding anything to the contrary, there shall be no fee for such license, such license may cover multiple vendors, and the director may in his or her sole discretion modify the requirements of this Chapter in order to facilitate the event.
  - d. The license fees under this chapter are as provided in the city fee schedule.
- (2) To hold a valid license, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the license is granted. As evidence of liability insurance, the applicant shall furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the city, its employees and agents as additional insureds, with minimum limits of \$1,000,000.00 in the aggregate. The certificate of insurance shall provide 30 days written notice to the city upon cancellation, or nonrenewal or material change in the policy.
- (3) A vendor to whom a vending license has been issued under this subsection shall inform the designee of the city clerk of any change of address of the primary vendor named on the vending license, in writing, if the address change occurs during the time period for which the vending license was issued.
- (4) Issuance of the license shall be contingent upon payment of all fees owed to the city.

(Ord. No. 2011-O-13, § 1, 5-24-2011)

**Sec. 67-4. - General restrictions on vending sites.**

All vending pursuant to this section shall be subject to the following, requirements:

- (1) All licenses shall be for a specific vending site, unless specifically exempted pursuant to [section 67-3](#)
- (2) The maximum size of the "vending site" shall be the actual dimensions of an assigned site, or a perimeter of not more than ten by 12 feet around the vendor
- (3) No vending or vending site shall be permitted within a ten-foot radius of a fire hydrant nor within a five-foot radius of a standpipe.
- (4) No vending or vending site shall be permitted within five feet of the sides of bus shelters or bus stops nor in a manner which interferes with the use of the bus stop or with ingress or egress to the bus shelters.
- (5) No vending site shall be permitted within ten feet of a curbcut or a marked crosswalk.
- (6) All vending shall be conducted so as to maintain a minimum width of six feet of unobstructed public pedestrian walkway adjacent to the vending site.

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- (7) No vending shall be permitted adjacent to any truck, freight or passenger loading zone or adjacent to any parking space for people with disabilities or loading zone.
- (8) Vending is prohibited upon any highway, street, alley, sidewalk, pleasure drive, if the street is located directly adjacent to, or directly across the street, alley or highway from any school property. For purposes of this paragraph, "school property" includes all property owned or operated by a public school as defined in Wis. Stat. § 115.01 (1) or owned or operated by a private school as defined in Wis. Stat. § 115.001(3r).
- (9) Any license issued under this chapter and any vending site assignment made under this chapter or under regulations adopted pursuant to it shall be nontransferable.

(Ord. No. 2011-O-13, § 1, 5-24-2011)

**Sec. 67-5. - Appearance of vending site and equipment.**

Vendors must maintain their vending site areas and vending equipment in a clean and hazard-free condition.

- (1) All equipment present at the vending site shall be completely contained within the perimeter of the vending site and no equipment shall extend or be placed outside this perimeter.
- (2) No vendor shall be permitted to use any of the amenities, such as benches, flower planters, trees, bus shelters, kiosks, light poles or any other utility poles for display of merchandise or to attach any ropes or other vending equipment to any of the aforementioned.
- (3) Vending equipment and displays, including signage, shall be directed away from the street. In addition, merchandise shall be displayed in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street in order to examine it.
- (4) Each vendor vending from an enclosed cart or push cart may only use the vending cart, one chair, and one trash receptacle. Vendors vending from an enclosed cart or push cart are limited to the equipment listed above and may not use any additional freestanding equipment; however umbrellas or awnings securely attached to the cart may be used. If using vending apparatus other than a cart, one freestanding tent or similar structure may be used but must maintain a minimum vertical clearance of seven feet measured from ground level to the lowest point of the tent or other structure and a maximum height of 11 feet at the highest point. Any freestanding structures of any kind shall be sufficiently wind-resistant and securely anchored.
- (5) A vendor shall be present within the vending site at all times during which items are displayed or sold.
- (6) No vending equipment or merchandise may be stored on any street, sidewalk or alley or public square when the vendor is not present.
- (7) All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.
- (8) It is unlawful for any vendor to permit any other person to vend at that vendor's vending site.
- (9) The police department shall have authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of this chapter. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.
- (10) Street vending shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m. on any street or sidewalk located within any residentially zoned district.

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- (11) The approved dimensions of any assigned street vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions are subject to change if the city makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity.
- (12) Noise levels emanating from the vending site shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be permitted.
- (13) No vendor shall drive or permit another to drive a motor vehicle upon any sidewalk area for the purpose of depositing vending carts or other equipment thereon. This prohibition does not apply to permanent or temporarily established driveways.

(Ord. No. 2011-O-13, § 1, 5-24-2011)

**Sec. 67-6. - Penalties.**

Penalties for conviction of any offenses under this chapter shall be as provided in [section 1-21](#).

(Ord. No. 2011-O-13, § 1, 5-24-2011)

**Sec. 67-7. - Procedure for revocation, suspension or nonrenewal of vending license general procedure.**

In addition to any other penalty provided under this chapter, an category or type of street vending license issued hereunder may be revoked, suspended or not renewed for a stated period of time or otherwise limited by the imposition of conditions or restrictions by the public safety and human services committee, after notice and hearing, for any of the following: any violation of this chapter, serious or repeated violations of restrictions on parking, stopping or standing; and violations of any other city general ordinance or state statute where the circumstances of the offense are substantially related to vending activities. Any party aggrieved by the decision of the public safety and human services committee may within ten days of the decision appeal in writing to the city clerk for review of the decision by the common council.

(Ord. No. 2011-O-13, § 1, 5-24-2011)