

--MEMORANDUM--

TO: City Council

FROM: Gregory E Buckley
City Manager



DATE: February 28, 2025

SUBJECT: Proposed Amendment to Section 6-4-9 of the Municipal Code, "Vendors from Special Vehicles"

The attached draft ordinance amendment arose primarily from discussions at the Advisory Recreation Board, to address vendors at Neshotah Beach.

In the course of reviewing the draft, I identified some other changes that might be worth addressing, so I am presenting the attached as a "draft amendment," for City Council review and comment on Monday night, with the intent of bringing back an ordinance amendment in final form for the March 17 Council meeting.

Sec. 6-4-9. - Vendors from special vehicles.

A.Vendors. Any person who shall vend any product from a vehicle or a trailer especially equipped for that purpose ("vendors") shall be considered a direct seller for purposes of this chapter, and the terms and provisions of sections 6-4-1 through 6-4-8 and 7-1-7 through 7-1-11 shall apply to such persons unless they are inconsistent with this section.

B.Qualifications. In addition to other requirements of this chapter 6-4, vendor shall have a current driver's license issued pursuant to the Wisconsin Statutes and shall be familiar with those sections of the rules of the road relating to parking restrictions, and shall abide by the provisions thereof. Vendors shall be familiar and comply with all other applicable provisions of this Code.

C.Requirements for vehicles and insurance. Any vehicle used or operated by a vendor hereunder shall be insured for liability for property damage and personal injury by a reputable, licensed insurer satisfactory to the city. A certificate of insurance verifying insurance coverage shall be filed with the city with each application for registration by a vendor. Such insurance shall provide for policy limits in the following minimum amounts: \$1,000,000.00 for one person and \$1,000,000.00 for any number of persons injured or killed in one accident and \$100,000.00 property damage per incident, naming the city as additional insured.

1. General liability: \$2,000,000.00.

2. Automobile liability (owned, non-owned, leased).

(a) Bodily injury: \$2,000,000.00 each occurrence.

(b) Property damage: \$2,000,000.00 each occurrence.

3. Worker's compensation: statutory limits.

4. Employer's liability:

(a) \$500,000.00 each accident.

(b) \$500,000.00 each injury

(c) \$1,000,000.00 policy limit.

5. Umbrella liability.

(a) \$2,000,000.00 over the primary insurance coverages listed above

Vendors' vehicles shall comply with Wis. Stats. Ch. 347, as it may be amended or renumbered, relating to equipment of vehicles. Bells or chimes approved by the police

department may be used as devices to attract customers, but no other type of noisemaking device shall be permitted for that purpose. The vendor shall comply with such other conditions as may be imposed by the city. The registration issued pursuant to this section shall be effective for a period of one year from its issuance, provided it is not earlier revoked.

D. Hours of operation. No vehicle used by a vendor shall be operated for the purpose of sales prior to ~~10:00~~7:00 a.m. and later than one-half hour after sunset, provided that the city council may make ~~an~~ exceptions to the requirement for special events.

E. Limitations—~~Vending from Vehicles on Streets~~. Except as expressly provided herein, no product shall be dispensed by vendors ~~from vehicles~~ on Washington Street between the north curblin of 22nd Street to the south curblin of 12th Street, on 22nd Street between the west curblin of Forest Avenue to the east end of 22nd Street at Neshota~~ah~~ Road, Pierce Street between 22nd Street to Zlatnik Drive, 21st Street between Pierce Street and Garfield Street or any part of Zlatnik Drive. ~~This prohibition shall not apply in the case of any special event taking place on Washington Street, 22nd Street or Zlatnik Drive or authorized by the City Council.~~

F. Limitations—~~Vending from Vehicles in City Parks~~. No product shall be dispensed by vendors at any park as defined in section 7-1-7 without being previously authorized by the parks and recreation director or at any special event with exception to the terms and provisions of sections 6-4-3 of this Code. ~~With authorization of the parks and recreation director, a~~

~~A vendor may apply for a seasonal permit from the parks and recreation director to park one vehicle, and to sell from that vehicle from an area designated for "Permit Holders Only" in Parking Lot 1 at Neshota Beach. The seasonal permit fee is two hundred fifty dollars (\$250) and the permit shall be valid from one week prior to Memorial Day through September 30 of the year in which it is issued. Permit fees will not be pro-rated.~~

~~The permitted vehicle must be parked entirely within the area designated in said permit; the permit does not allow the vendor to sell from any other location. The permit must be displayed at all times when the vehicle is in Parking Lot 1.~~

~~The parks and recreation director may establish "black-out dates" when vendors are not permitted to operate or park in Lot 1; these dates shall be provided to the permittee at the time of permit issuance. The designated vendor area Lot 1 will be available on a first-come,~~

first-served basis for permit holders. The parks and recreation director may limit the number of seasonal permits issued; provided, however, at least three (3) such permits shall be issued each year.

~~sell from parking lots number one and five adjacent to Zlatnik Drive or designated lot at Walsh Field but may only be parked in the same manner and at the same places designated for the parking of motor vehicles.~~

Vending from vehicles is allowed in the Walsh Field parking lot, on the north side of 22nd Street without a seasonal permit or advance permission of the parks and recreation director; provided however, that the director may limit such activity to designated spaces within that lot, and vehicles must be parked in the same manner designated for other vehicles.

FG. Revocation. A registration issued to a vendor may be revoked by the chief of police if the vendor made any material inaccurate statement in the application for registration or violated any provision of this section, or any other applicable provision of this [chapter 6-4](#) of the city's Municipal Code. Upon revocation, the vendor may appeal to the city council. Such appeal shall be made in writing and shall be submitted to the city clerk within 30 days after revocation.

GH Exceptions. This [section 6-4-9](#) of the Municipal Code shall not apply to any vendor selling products from a parked vehicle ~~at a special event held~~ on city-owned property or a city street, if such vendor has been authorized to sell products from that location by the city manager or ~~a city department head~~the city council, or if such vendor has been authorized to sell from that location by an organization that has been given permission to use city property or street for such special event by action of the city council.