



ORDINANCE, LICENSES AND PERMITS AGENDA

October 22, 2024 at 5:45 PM
303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call**
2. **Discussion and action relating to Minutes**
 - a. September 24, 2024
3. **Discussion and recommendation regarding Direct Sellers Permit fee for Farmers Market Vendors**
 - a. Direct Seller's memo
4. **Closed Session:** Pursuant to Wisconsin State Statute 19.85(1)(b) Considering dismissal, demotion, licensing, or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.
 - a. Carl's Bright Spot and points recently issued
5. **Reconvene in Open Session**
6. **Discussion and action as a result of Closed Session Matters**
7. **Adjourn**

NOTICE:

It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Deputy Clerk Nicole Lyddy (608) 747-2706.

Any member of the public wishing to join the meeting telephonically should call City Hall by 4pm the day of the meeting. Staff will be happy to provide instructions on joining the meeting by phone. City Hall main number: 608-847-6676



ORDINANCES, LICENSES AND PERMITS COMMITTEE MINUTES

September 24, 2024 at 6:00 PM
303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call** - The Ordinances, Licenses, and Permits Committee held its regular session on Tuesday, September 24, 2024. Jim Allaby called the meeting to order at 6:00 pm. Members present were Jim Allaby, and Leanna Hagen. Absent was Courtney Ferguson. Also present were Mayor Darryl Teske, City Administrator Daron Haugh, and Deputy Clerk Nicole Lyddy.
2. **Minutes** - The motion was made by Hagen and seconded by Allaby to approve the August 13, 2024 minutes.
3. **Ordinance 2024-2070 Annexing Territory to the City of Mauston** - The motion was made by Allaby and seconded by Hagen to recommend to the council to approve Ordinance 2024-2070 Annexing Territory to the City of Mauston. Motion carried.
4. **Adjourn** – The motion was made by Hagen and seconded by Allaby to adjourn. Motion carried at 6:03 pm.

Chair

Date

To: Mayor Teske – Ordinance, License, & Permit
From: Daron J Haugh – City Administrator
Subject: Farmer's Market Fees: To Waive or Not to Waive?
Date: 2024-10-22

Last year, the park board and City generously waived park use and Direct Sellers' permit fees for the Farmer's Market, due to the Chamber's closure. But as we look ahead to the 2025 season, the question of fees has resurfaced.

Market organizers are requesting expanded space, including the coveted West Shelter for live bands. While this would undoubtedly enhance the market experience, the Parks Board has ruled that as a for-profit venture, the market must pay for daily park use – totaling \$1,875 for the 25-week season.

The bigger question for the City is this: should we once again waive the Direct Sellers Permit fee? With most vendors traveling from afar to sell only on Saturdays, is a \$15 weekly or \$100 annual permit a barrier to participation? Last year's special permit streamlined things by limiting sales to market hours. Is this a model worth continuing?

As we weigh the desire for a vibrant market against the need for revenue, let's consider what will best support our vendors and enrich this beloved community event.

APPLICATION FOR DIRECT SELLER'S PERMIT

Ordinance Ch. 20, Art. II

Pages 3 & 4 go to the applicant

New Renewal

City of Mauston
303 Mansion Street
Mauston, WI 53948-1329
Ph: 608-847-6676 Fax: 608-847-5023
Website: www.mauston.com

1. **Application Information** ***PLEASE TYPE OR PRINT LEGIBLY***

Full Name: (last, first, middle initial) _____ Date of Birth _____

Permanent Address: _____

Temporary Address: _____

Day Phone: _____ Night Phone: _____ Cell Phone: _____

e-mail address: _____ web-site: _____

2. **Business Information** (Business that applicant represents or is employed by)

Business Name: _____ sole prop Ptrnshp LLC Corp

Address: (if different than above) _____

Phone: _____ e-mail address: _____ web-site: _____

3. **Product or Service Information**

Describe Product or Service: _____

Delivery Method: _____

4. **Other People Who Will be Working With and/or For Vendor While in Mauston**

Attach additional sheets if necessary

Full Name: (last, first, middle initial) _____ Date of Birth _____

Address: _____

Day Phone: _____ Night Phone: _____ Cell Phone: _____

Full Name: (last, first, middle initial) _____ Date of Birth _____

Address: _____

Day Phone: _____ Night Phone: _____ Cell Phone: _____

5. **Vehicle Information** (for each vehicle used in Mauston. Attach extra sheets if needed)

Car, Truck or Other (if 'other', please describe): _____

Year: _____ Make: _____ Model: _____

Color: _____ License Plate #: _____ State of Issue: _____

6. **Mauston Locations** (describe where in Mauston your business will be conducted)- must provide written permission from property owner.

7. **Mauston Dates:** Arrive _____ Leave _____

8. **Future Locations** (list how and where the applicant can be contacted for at least 7 days after leaving Mauston)

9. **Previous Locations and Dates** (list last 3 municipalities and dates applicant conducted a similar business)

Municipality: _____ Date/s: _____ Date/s: _____

Municipality: _____ Date/s: _____ Date/s: _____

10. **Police Record**

Have you or any other person identified on this application been convicted within the last 5 years of any crime, ordinance or regulatory violation relating directly or indirectly to the same or similar business you intend to conduct in Mauston? No: ___ Yes: _____ If 'yes', please state the nature of each offense and the place of conviction:

11. Attachments (the following attachments **MUST** accompany this application)

Section 3, Item a.

- Photocopy of valid driver's license for applicant
- Photocopy of State Certificate of Examination and Approval from the sealer of weights and measures for your business, if required by law, for your business.
- A State Health Officer's certification where Applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall state that applicant is apparently free from any contagious or infectious disease, and shall be dated no more than 90 days prior to the date the application for license is made.
- Copy of all documents intended to be used by applicant in conducting business in Mauston, including notice and disclosure documents required by State law and City Ordinance.
- Copy of written permission from land owner if applicant intends to conduct business from a fixed location.

12. Certification

By my signature below, I hereby certify that the information contained in this application is true and correct to the best of my ability; that I am familiar with the laws, ordinances, and regulations applicable to my business and this permit; that I agree to obey all such laws, ordinances and regulations if granted a seller's permit.

13. Appointment of Agent

By my signature below, I hereby appoint the City Clerk as my agent to accept service of process in any civil action brought against me or my business arising out of any sale or service performed in connection with my direct sales activities in the City of Mauston, if I cannot, after reasonable effort, be personally served.

14. Direct Seller Permit Information

By my signature below, I hereby certify that I have received a copy of the document titled "Direct Seller Permit Information", and that I agree to abide by the regulations set forth in that document.

City reserves the right to revoke said permit at any time pursuant to Mauston Ordinance Chapter 20.50

APPLICANT SIGNATURE

Signature	Printed Name	Title	Date
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Certification of Payment I hereby certify that the applicant has paid the amount indicated.

\$100.00/calendar year
 \$15/7 consecutive days X # _____ weeks = \$ _____

City Officer	Title	Date
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15. Record Review The Police Department (is) (is not) aware of information pertaining to the applicant's fitness to receive a direct sellers permit, and it is the recommendation of the Chief of Police to (approve) (deny) (review) the application. Findings: CCAP DOJ PD

Chief of Police _____	Date: _____
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16. Committee Recommendation (If Review is requested by Chief of Police)
The Ordinances, Licenses and Permits Committee reviewed the application on _____, 20_____
The Committee recommends approval recommends denial makes no recommendation.

City Officer: _____	Date: _____
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17. Council Action

On _____, 20_____, the Council Approved Denied this application.

18. Permit Issued A seller's permit is hereby issued to the above identified applicant for the purposes, times and places stated above, pursuant to Article II of Chapter 20 of the Mauston Code of Ordinances.

City Officer	Title	Date
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Permit Number Issued: _____
Permit Effective Dates: From _____ Through _____

Purpose: The residents of the City are frequently solicited by strangers to purchase merchandise or services, or to make contributions. Such solicitations occur from merchants who go door-to-door or set up booths throughout the City. To protect the tranquility, privacy and safety of its citizens and to prevent fraudulent practices by transient merchants, the City deems it advisable to regulate direct sellers as prescribed herein.

Definitions: The following words and phrases shall have the following definitions:

- (1) **Canvasser or Solicitor:** Any person who goes from place-to-place within the City soliciting orders for future delivery of goods or property, or for future performance of services.
- (2) **Charitable Organization:** Any benevolent, philanthropic, patriotic or eleemosynary partnership, association or corporation for which there is provided proof of tax exempt status pursuant to Section 501(c)(3) or (4) of the U.S. Internal Revenue Code.
- (3) **Direct Seller :** Any person who is a Canvasser, Solicitor, Peddler, Transient Merchant or Permanent Merchant.
- (4) **Goods:** The statutory definition for “goods” provided in Section 402.105 Wis. Stats. is incorporated herein by reference. “Goods” also includes all new and used items.
- (5) **Peddler:** Any person who goes from place-to-place within the City, offering for sale and/or selling goods which he carries with him or services which he intends to perform immediately upon request.
- (6) **Permanent Merchant:** Any person who sells goods or services, or takes sales orders for the future delivery of goods or services, at a fixed location in Juneau County, and who either (a) owns, in full or in part, the real estate upon which the business is conducted, or (b) leases, in writing, for a term of at least six (6) months, the real estate upon which the business is conducted, or (c) has leased in the past, for at least six (6) months, real estate in Mauston upon which the business has been conducted.
- (7) **Transient Merchant:** Any person who engages, at a fixed location in the City, in the temporary business of selling goods or services, or the temporary business of taking sales orders for the later delivery of goods or services.

Permit Required: No Direct Seller shall engage in direct sales within the City without receiving a Permit for that purpose.

Exemptions: The following shall be exempt

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- (2) Any person selling goods at wholesale to retail dealers in such goods.
- (3) Any Permanent Merchant selling goods or services at his fixed business location.
- (4) Any Permanent Merchant or employee thereof who delivers goods which were purchased or ordered at the Permanent Merchants’ place of business.
- (5) Any Permanent Merchant who sells or delivers goods or services, or takes orders for future delivery of goods or services, at the home or business of a customer, provided the customer initiated contact with and specifically requested a home visit by the Permanent Merchant.
- (6) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (7) Any employee, officer or agent of a Charitable Organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such Charitable Organization is registered under Sec. 202.12 Wis. Stats. Any charitable organization not registered under Sec. 202.12 Wis. Stats., or which is not exempt from that statute’s registration requirements, shall be required to register under this Subchapter.
- (8) Any transient merchant who participates in the “Farmers Market” sponsored by the Mauston Chamber of Commerce, provided such transient merchant shall only be exempt while engaging in business at the location and during the hours established by the Mauston Chamber of Commerce for the “Farmers Market,” and further provided that such transient merchant is registered with and approved by the Mauston Chamber of Commerce.

Fee: At the time the application form is returned to the Clerk, a nonrefundable fee shall be paid to the Clerk to cover the cost of processing such application. As of 2010 the permit fees are \$100 per year, OR \$15.00 per week.

Regulations and Prohibited Practices

- (1) **Hours:** A Direct Seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m., except by appointment;
- (2) **Prohibited Places:** A Direct Seller shall be prohibited from calling at any dwelling or other place where a sign is displayed bearing the words “No Peddlers,” “No Solicitors” or words of similar meaning; calling at the rear door of any dwelling place; or remaining on the premises after being asked to leave by the owner, occupant or other person having apparent authority over such premises.

- (3) Misrepresentations: A Direct Seller shall not misrepresent or make false, deceptive or misleading statement the quality, quantity or character of any goods or services offered for sale, the purpose of his visit, his identity of the organization he represents.
- (4) Sidewalks and Streets: No Direct Seller shall transact business or conduct sales on the public sidewalks, public streets or any other public property, without the prior approval of the Common Council.
- (5) Noise: No Direct Seller shall make any loud or unnecessary noises contrary to Ordinance , or use any sound amplifying device to attract customers.
- (6) Litter: No Direct Seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

Disclosure Requirements

- (a) After the initial greeting and before any other statement is made to a prospective customer, a Direct Seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
- (b) Each Direct Seller shall be subject to, and shall comply with, the requirements of Chapter 423 Wis. Stats., which are incorporated herein by reference, including the right of the buyer to cancel the transaction under certain circumstances and including the Direct Seller’s obligation to give the customer notice of the right to cancel.
- (c) If the Direct Seller takes a sales order for the later delivery of goods, he 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.

Location Restrictions

- (a) Door-to-Door: All Direct Sellers, in particular Canvassers, Peddlers and solicitors, who go door-to-door in the City, shall not solicit a premises while another Direct Seller is on said premises.
- (b) Fixed Location: All Direct Sellers, in particular Transient Merchants, who establish a fixed location in the City from which to conduct their business, shall comply with the following requirements:
 - (1) No Direct Seller shall use, erect or establish any structure, stand or booth which cannot be dismantled and removed from the premises in 20 minutes.
 - (2) Any structure, stand or booth used, erected or established by a Direct Seller shall be dismantled and removed at the end of each business day, but in any event not later than 9:00 p.m
 - (3) No more than two (2) Direct Sellers at a time shall be permitted to conduct business from the same privately owned lot or parcel, unless the business of the Direct Seller is completely conducted indoors or unless the land owner obtains a Flea Market Permit, or unless the Direct Seller is involved in the sale of farm produce at the Farmers’ Market.
 - (4) All stands, booths, structures and fixed locations, which are used, erected or established by a Direct Seller, shall only be located in the C-1 or C-2 Zoning Districts in the City.
 - (5) No stand, booth, structure or fixed location shall be used, erected or established by a Direct Seller on private property without the express written permission of the owner or manager of the private property.

Revocation of Permit

- (1) A Permit may be immediately summarily revoked by the City Clerk if the Applicant made any material omission or materially inaccurate statement in the application for a Permit; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales; violated any provision of this Subchapter; or was convicted of any crime or ordinance or statutory violation which is directly related to the Applicant’s fitness to engage in direct selling.
- (2) Written notice of the revocation shall be served either personally or by mailing the notice (registered mail) to the address provided on this application form. Such notice shall contain a statement of the acts upon which the revocation is based. Issuance of such notice of revocation shall immediately terminate the Permit and no further sales activity shall be conducted by the Applicant thereafter.

Special Events: The Common Council may temporarily suspend, by Resolution, the application of all or part of this Subchapter to special events, such as parades, fairs, community wide events, city festivals, etc.

The information above is an excerpt from Mauston Ordinances Chapter 20, Article II. The full text of the ordinance is available at www.mauston.com or at Mauston City Hall.