



MEMORANDUM

To: Mayor and Common Council

From: PRD Tungate *BT*

Date: February 9, 2010

RE: Revision to Section 12-1-12 Selling of Merchandise in Parks and Public Grounds of the City Code

On February 8, 2010, the Parks and Recreation Board approved a recommendation to revise Section 12-1-12 Selling of Merchandise in Parks and Public Grounds of the City Code.

These revisions are part of an effort to develop alternate funding sources for our park system. We all realize that continued reliance strictly on tax dollars to pay for park improvements can no longer be guaranteed.

The revised ordinance focuses on two changes. First, it will allow the sale of items in city parks by people obtaining a permit by the Department of Parks and Recreation or designee. Permits will not be considered until the Park Board enacts rules and regulations as indicated in the ordinance. The general consensus of the Park Board seems to be to proceed more slowly and conservatively with rulemaking that only benefits the majority of park users and does not negatively impact the overall park experience.

Secondly, the ordinance will allow consideration of park facility sponsorship and signage that accompanies such a program. The initial intent of the Park Board is to focus on sign rules for Koslo Park before considering other locations. There is a group of field users that will be selling sign panels for the existing scoreboard and on a future entranceway structure. Signs have been on the scoreboard since 2002 so to that extent, the ordinance revision validates an existing practice.

The Common Council of the City of Menasha does hereby ordain as follows:

Introduced by Alderman Joanne Roush.

SECTION 1: Amend Title 12, CHAPTER 1, SEC.12-1-12 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 12 – Parks and Navigable Waters

CHAPTER 1
Park Regulations

SEC. 12-1-12 SELLING OF MERCHANDISE IN PARKS AND PUBLIC GROUNDS.

- (a) ~~SALES AND SOLICITATION FOR SALES PROHIBITED WITHOUT PERMIT.~~ No merchandise, food or other concessions may be sold individuals or non-profit organizations for profit in City parks. No person shall sell or offer for sale any service, food, refreshment, article, merchandise or thing, nor solicit for or pursue any trade, occupation, business or profession, within any park, without first obtaining a written permit from the Director of Parks and Recreation or designee.
- (b) ~~SALES PERMITTED.~~ All organizations which desire to sell food, merchandise or concessions to carry on their non-profit programs in City parks must first display to the satisfaction of the Director of Parks and Recreation evidence that such organization has received a tax-exempt status from the Wisconsin Department of Revenue.
- (c) ~~RULES AND REGULATIONS.~~ Times and areas to be served, as well as the types of merchandise to be sold, shall be as determined by the Parks and Recreation Board and then by a permit only. The Parks and Recreation Board is directed to enact any and all reasonable rules and regulations to carry out the intent of this Section. Park facility sponsorships through signage or other means of recognition may be considered.
- (d) ~~EXCEPTIONS.~~ This Section shall not apply to the selling of fermented malt beverages in the parks in the City of Menasha where a license has been granted by the Common Council. Such license shall imply the selling of food and merchandise usually associated with the selling of non-alcoholic beverages, food by a non-profit organization having a tax-exempt status. This Section shall not apply when the Mayor permits the same by issuing a proclamation in regard to an events of a community-wide interest that does not involve the sale or serving of alcoholic beverages.
- (e) ~~FEES.~~ Fees for the permits described above shall be recommended by the Parks and Recreation Board from time to time to the Common Council.

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this _____ day of _____ 2010.

Don Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk