

CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

NOTICE OF PARKS COMMITTEE MEETING

DATE: December 15, 2020

TIME: 5:30 p.m.

PLACE: Washburn City Hall

This meeting may have members participating via tele or web conferencing. Public participants can listen to the proceedings on-line at this link: <https://us02web.zoom.us/j/86429898903> or by calling 888-788-0099 (Toll-free) and entering Meeting ID: 864 2989 8903. Limited seating will be available at the meeting and guests are asked to keep a six-foot distance from one another.

Agenda:

- Call to Order
- Approval of the October 20, 2020 Meeting Minutes
- Updates from Public Works Department
- Update on Implementation of the Walking Trail Land Management Plan
- Discussion & Action of Commercial Activity on City Property
- Future Topics
- Adjournment

It is possible that members of, and possibly a quorum of, other governmental bodies including the Common Council of the City of Washburn are in attendance at the above meeting. No action will be taken by any governmental body other than the Parks Committee.

October 20, 2020

CITY OF WASHBURN PARKS COMMITTEE MEETING

5:30 PM

In-person & Video Conference Call due to Covid-19

Members Present:

Kyleleen Bartnick, Jamie Cook, Angel Croll, Erika Lang

Municipal Personnel:

City Administrator Scott Kluver, Assistant City Administrator Tony Janisch

Absent:

Jennifer Maziasz (council rep)

Call to Order

Meeting was called to order at 5:33 pm by Janisch. Four members confirmed present.

Approval of the September 22, 2020 Parks Committee Meeting Minutes

Motion made to approve minutes by Bartnick, second by Cook. Motion carried unanimously and minutes were approved.

Updates from Public Works Department

Janisch gave update.

- Campgrounds are now closed, and season remained busy until recently. At Memorial Park, a road access loop has been completed on the east side. This will help camping vehicles move around easier. One campsite was relocated, and an additional site added. Several of the potable water spigots will be relocated. Additionally, the waterline will be replaced on the east side due to breaks in the line. At both campgrounds, dead trees and stumps are being removed. The bathroom at Memorial Park needs to be tiled if there are funds available. And at West End Park, the family bathroom tiling needs to be finished this winter.
- The dugouts at the baseball field as well as the fencing has not been completed but hopefully both will be completed after October 20.
- Regarding the skating rink, Janisch has had some informal discussions with stakeholders about whether or not the warming shed could be kept open somehow.
- Just off the lakeshore walking trail, the new access road to the well has been completed and materials are now more stable.
- The West End Dock is coming along. The contractor is finishing the paving. The docks will likely be delivered, and test placed. The City still needs to determine schedule for dock removal.
- The playground at Thompson's West End Park will be further evaluated in the spring and improvements made after that time.

Update on Implementation of the Walking Trail Land Management Plan

- Lang reported the questionnaire that Wisconsin Coastal Management Program requires before releasing funds has been submitted. She will follow up with the grant program representative to see how long it will take before the grant contract is available and funds are released.
- Invasive plant removal/control work can continue in the winter and spring as long as temperatures are favorable. Once the grant contract has been signed, City Council can review and approve a contract for the invasive plant work.
- Another thing that the Parks Committee can work on over the winter is the interpretive sign/welcome sign as well as additional signage that is part of the grant award. After some

discussion, Lang and Cook agreed to work on putting some ideas for content, size, and materials together. As they do this, they will bring ideas to the other Parks Committee members for feedback. Other organizations will also be consulted for their ideas such as Washburn Heritage Association.

- Parks Committee members agreed that the new signage needs to be branded somehow and complement existing signage.

Update from Permitting of Commercial Usage in City Parks Working Group

Janisch had a discussion with Mayor Motiff and Kluver regarding narrowing down the uses for what the commercial permit will cover. The current use ordinance is focused on kayaking. They have also discussed the differences that may be implemented for commercial use versus club use. The City could choose to require agreements for some groups and a permit for others. Both documents could also describe how to properly treat/use City property. The next step is to have another sub-committee meeting about this.

Discussion & Action of Inventorying City Parks

Parks Committee members noted a few things:

- more columns were added to the inventory
- under trails, roadways and parking space were added
- under shelters, we will include the number of items found in said shelter
- more space was added under campgrounds
- space was added to reflect on volunteer opportunities
- space should be added to reflect more on vegetation presence/condition, including presence/type/density of invasive plants
- each park should be evaluated annually, but the season in which this is done should be varied so we can see different conditions (dry season, wet season, during high use vs. low use, etc.)
- for Legion Park, we need to think deeper about how to keep this park maintained. Now that the VFW has disbanded, we need to look for another group of people to help the City keep it maintained.
- in spring, Parks Committee members should visit Legion Park, Wikdal Park, and Memorial Park and evaluate those

Discussion & Action of StoryWalk Trail Concept

Chris Lindsey presented a proposal to the Parks Committee for a StoryWalk as well as background information. She attended the meeting to provide additional information and to answer questions.

The following was presented/discussed:

- StoryWalk is a literary initiative that can be found in several different places across the country. The Cable Natural History Museum has one.
- a StoryWalk Trail would give the younger population of our City an opportunity to interact more with the walking trail and the lakeshore area
- the stations would mount on wood posts
- a possible location would be along the walking trail between the coal dock and Pumphouse Road, near the athletic fields. Perhaps some families would utilize them during games, as well as at other times.

- the Washburn Public Library has committed to helping to keep the books updated (they would be changed at a maximum every 2 weeks)

Questions raised included:

- how far off the trail would these stations be set? Would they be out of the way of bikers, skiers?
- how will the area around each station be maintained? Who will do this? Could a small group of people organize to do this long-term? Could the Friends of the Washburn Public Library be involved?
- how will the StoryWalk be promoted in the community?
- would it make sense to place a bench here and there?
- who will install these?

Next steps outlined included:

- Chris Lindsey will put together a more detailed proposal with costs, partner contributions, maintenance plans, and answers to other questions that are mentioned above. She will come back to the Parks Committee when she is ready.
- This would be a good topic to further discuss once the Parks Committee has more details and once the new City Public Works Director has started and has had time to reflect on current and potential future needs.

Future Topics

- Continue parks inventory/evaluation
- Update on Implementation of the Walking Trail Land Management Plan
- Commercial Usage update
- Bayfield Street (Highway 13) update
- Recreation plan development - expanding campgrounds? How does the City further consider this?

Adjournment

Meeting was adjourned at 7:12 pm.

Erika Lang
Parks Committee Secretary

CITY OF WASHBURN
Ordinance No. 21-001

An ordinance adopted by the Common Council for the City of Washburn at its regular meeting of January ____, 2021, for the purpose of amending Title 7, Chapter 11, of the City's Code of Ordinances to regulate commercial activity on City Property.

1. Amend Title 7, Chapter 4 as follows:

Sec. 7-4-1 Registration Required

It shall be unlawful for any direct seller *or vendor* to engage in direct sales *or conduct any operations, solicitations, or providing of services* within the City of Washburn without being registered for that purpose *and complying with the general conduct requirements* as provided herein *and as provided in Title 7, Chapter 11, if applicable.*

Sec. 7-4-2 Definitions

(a) **Direct Seller ("transient merchant")** means any individual who, for him/herself, or for a partnership, association or corporation, sells, *distributes, provides, or offers* goods *or services, including but not limited to rentals, tours, demonstrations and/or instruction or use of bikes, ships, boats, kayaks, canoes, paddleboards or like vessels, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or service and whether or not he is collecting advance payment on such sales or not,* or takes sales orders for the later delivery of goods *or services* at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

* * *

(i) **Vendor** means any individual, whether a resident of the City or not, who offers for sale or otherwise provides food, beverages, goods, merchandise, delivery, or for services to be performed immediately or in the future, from a certain location that is not within a building or a structure for which a certificate of occupancy is required by the City. This term shall not apply to businesses that operate from within a building or structure within the City for which a certificate of occupancy is required and also displays or sells food, beverages, goods, merchandise, etc. or provides services directly outside the building or structure in which the business operates.

(j) **City Property** means real property situated in the City of Washburn, which is owned by the City of Washburn, including but not limited to sidewalks, streets, highways, parks, beaches, public parking lots, alleyways, and pedestrian ways.

Sec. 7-4-3 Exemptions.

(a) The following shall be exempt from all ~~provisions~~ *registration requirements* of this Chapter:

* * *

~~(7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods. Any Vendor or Direct Seller providing services, goods, food, beverages, or merchandise to less than four (4) people, customers, or businesses per day, and less than ten (10) per month.~~

* * *

Sec. 7-4-11 Commercial Activity on City Property

Any Direct Seller or Vendor operating on any City Property shall also comply with the requirements of Title 7, Chapter 11 of the City of Washburn Ordinances.

2. Delete the existing Title 7, Chapter 11, and replace with the following:

Commercial Activity on City Property

Sec. 7-11-1 Purpose

The purpose of this chapter is to provide additional regulation for Direct Sellers and Vendors providing, selling, or offering to sell goods or services on City of Washburn property.

Sec. 7-11-2 Definitions.

The definitions provided in Title 7, Chapter 4 of the City of Washburn Ordinances are incorporated into this Chapter.

Sec. 7-11-3 Commercial Use Permit Process

(a) Permit. A Commercial Use Permit (“CUP”) shall be required from the City Clerk or designee for any Direct Seller or Vendor to operate on City Property, unless exempt from registration pursuant to Section 7-4-3. A CUP shall expire on December 31st of the year issued, unless otherwise provided in the permit.

(1) Application. A person seeking issuance of a permit hereunder shall file an application with the City Clerk, which will be on the same application form as required under Section 7-4-4. The application shall include all of the information required in Section 7-4-4, plus:

- (i) Federal and state tax identification number, if applicable.
- (ii) The applicant’s general liability insurance information.
- (iii) The names of any employees, agents, guides, officers, or other individuals associated with the activity conducted on City Property.
- (iv) The number of vehicles, vessels, boats, nonmotorized vehicles (“NMV”), or other goods or products that the applicant intends to use on City property; and
- (v) Any other information required to aid in the permit process.

(2) Fees. Each application shall be submitted with the required fees prior to consideration of the permit process. The fees required for a CUP shall be as designated in the fee schedule established pursuant to Section 1-3-1.

(3) Standards for issuance. The City Clerk or designee shall issue a CUP in consideration of the following:

- (i) The commercial use will not interfere with or unreasonably detract from the general public enjoyment of the City Property or promotion of public health, welfare, safety and recreation;
- (ii) The commercial use is not reasonably anticipated to incite disorderly conduct; and
- (iii) The application is complete with all required information, including insurance information on file.
- (iv) Depending on the classification of goods or services provided (as defined in the City's Commercial Use Permit Information Guidelines, which will be provided to the applicant), the commercial use complies with all requirements of said guidelines for the type of business conducted.

(4) Issuance. The City Clerk or designee shall issue or deny the CUP within five business days of receiving the application. Denials shall be clarified in writing and state the reasons for such.

(5) Appeal. The applicant may appeal the denial of a permit pursuant to § 4-1-1 of the City of Washburn Ordinances.

(6) Financial Qualifications. To apply to the City for the issuance of a commercial use permit, the applicant shall not at the time of such application, owe the City:

- (i) Any delinquent real estate taxes, delinquent personal property taxes, or any interest or penalty due thereon; or
- (ii) Any unpaid forfeiture or fee which has been unpaid for 60 days or more; or
- (iii) Money on a judgment in favor of the City and against the applicant or a corporation, limited liability company, partnership, joint venture, trust estate or any other entity in which that person is a shareholder, director, officer, owner, member, agent, trustee, representative manager, employee, consultant, advisor or the holder of any other right, title or interest, which has been unpaid for 60 days or more.

(7) The City may revoke a commercial use permit issued under this Chapter from the holder who, after 60 days' notice, fails to pay any of the financial obligations listed in § 7-11-5(6) of this ordinance.

Commented [MTL1]: Check after completion

Sec. 7-11-4 Equipment, NMV, Vehicles, and Other Products or Goods on City Property

- (a) No equipment, NMV, vehicles, and other products or goods shall be left overnight on City Property.
- (b) Assumption of Risks.
 - (1) The City hereby notifies persons who decide to leave any goods, products, or other items unattended on City property that such items are very exposed to harm and are at substantial risk of being stolen, damaged or destroyed by persons, animals, or other perils or forces of nature, some of which are foreseeable and some of which are not foreseeable.
 - (2) Unattended goods, products, or other items, although situated on City property, are not within the possession, custody or control of the City nor are they under the City's supervision, so the City does not accept or assume any responsibility, obligation or liability in respect to the protection of such goods, products, or other items.

(3) A person who makes a voluntary decision to leave any goods, products, or other items unattended on City property shall be deemed:

- (i) To have assumed and accepted all risks associated therewith including, but not limited to those involving theft, damage, destruction and loss of such goods, products, or other items; and
- (ii) To have covenanted not to sue or assert any claim or cause of action, of any nature or kind against the City or any of its supervisors, officers, employees, agents or representatives associated with, related to or arising from any such loss, damage or destruction.

Sec. 7-11-5 Parking

Any Direct Seller or Merchant operating on City Property shall ensure that its agents, officers, customers, guides, or other individuals associated with said Direct Seller or Merchant do not park where prohibited. For purposes of this section, to “park where prohibited” means to stand an occupied or unoccupied vehicle, ATV/UTV or other motorized craft, or bike except as permitted by Title 10, Chapter 1 of these ordinances, other than temporarily while loading or unloading merchandise or passenger, or to have a stationary occupied or unoccupied ship, boat, kayak, canoe, paddleboard or similar vessel other than for less than five minutes for loading or unloading passengers. “Park when prohibited” shall also include leaving an unattended vehicle, boat trailer, ship, boat, kayak canoe, paddleboard or similar vessel on City Property not designated for that purpose, including all grassy areas.

Sec. 7-11-6 General Conduct Requirements

The following conditions apply to all Direct Sellers and Vendors using City Property:

- (a) **Performance:** The Direct Seller or Vendor agrees to carry out the services authorized under this Ordinance in a safe, professional, and courteous manner that causes no damage to the natural/cultural resources or facilities within the City.
- (b) **Employee Training and Responsibility:** The Direct Seller or Vendor must ensure that all employees working in the City are informed of the conditions of this Ordinance and are adequately trained to safely and competently perform the services authorized and comply with the conditions of this Ordinance. In the event of a violation or infraction, responsibility and liability will generally be placed upon the holder of the CUP or responsible Direct Seller or Vendor, including citations, warnings, and fines. However, the City retains the right to cite, warn, and fine employees associated with a Direct Seller or Vendor.
- (c) **Behavior and Conduct:** The Direct Seller or Vendor and all persons employed by the Direct Seller or Vendor who work within City are required to exercise professional courtesy in their interactions with clients, visitors, City employees, volunteers, and other commercial operators. The Direct Seller or Vendor will routinely review and promptly correct the conduct of any of its employees whose actions or activities are considered by the City to be inconsistent with (1) the safety and enjoyment of City residents and

landowners, visitors/ tourists, and clients; (2) the protection of City resources and/or facilities; and/or (3) the professional reputation of the City.

- (d) Third Party Aggregators: A Third-Party Aggregator is defined as an online merchant that sells a product or service that they do not own. CUP Holders may not use any Third-Party Aggregator website that has not been approved in writing by the City. To request permission to use a Third-Party Aggregator to sell trips and/or services that occur within the City, the Vendor must submit a written request to the City Clerk that includes the Third-Party Aggregator website URL and a copy of the Terms of Agreement for use of the Third-Party Aggregator service. Please be advised that the evaluation process and final decision may take up to 45 days, so the Direct Seller or Vendor must plan accordingly.
- (e) Provision of Services: Only the Direct Seller or Vendor and their registered employees may provide the services authorized by any CUP. The Direct Seller or Vendor may not sub-contract or otherwise allow outside entities and/or non-registered employees to provide any services within the park boundary. The Direct Seller or Vendor may not employ, partner, or contract with any individual who is a revoked CUP Direct Seller or Vendor.
- (f) Change of Business Status: A CUP may not be transferred or assigned without the written consent of the City. If the Direct Seller or Vendor is considering a change in the business name, ownership, or legal structure, the Direct Seller or Vendor must notify the City Clerk at least 45 days before the intended change is to take effect. Failure to do so will result in immediate suspension of the CUP until the changes are evaluated by the City.
- (g) Change of Business Contact Information: Direct Seller or Vendor must notify the City within 10 days of any changes in contact information (mailing address, physical address, website URL, telephone/fax numbers, or email address).
- (h) Use of Area: The Direct Seller or Vendor will not use or be assigned any facilities or portions thereof, located within the City, except as allowed to the general public. For example, a picnic table in a day use area that is intended for recreational use by visitors may not be converted to use as office space for the Direct Seller or Vendor. A CUP does not authorize priority use of City areas. The Direct Seller or Vendor is prohibited from blocking access or impeding the flow of traffic along any roads, trails, walkways, greenways, parking lots, stairwell access, beaches, and/or waterways of any City facilities.
- (i) Camping: The Direct Seller or Vendor and/or employees will not camp overnight within the boundaries of the City except if registered in Town or private Campground. Direct Seller or Vendor and registered employees must comply with all camping rules as provided with Section 12 of the City Ordinances.
- (j) Waste: The Direct Seller or Vendor is responsible for the removal of all waste and trash associated with the commercial activity and is prohibited from depositing commercial waste into the City provided trash containers.
- (j) Employment of Minors: Direct Seller or Vendors with employees under the age of 18 are required to administer the employment of minor age children in accordance with federal

Commented [MTL2]: Need to make sure this applies to previous revocations even after change in ordinance

and/or State of Wisconsin Child Labor Laws. The following apply concerning minor age employees registered under this CUP while working within the City:

- a. All minor age employees will be at all times under constant, close supervision of a responsible adult employee registered under this CUP.
 - b. Minor age employees will not operate any motorized vessels, heavy machinery, or heavy equipment.
 - c. Minor age employees will not engage in any marine salvage activity or underwater operation.
- (l) Vehicle/Vessel Signage: Vehicles and vessels used to provide services on City Property are required to be easily identifiable by signage. Signage may not state, imply, or refer to pricing, services, and/or products provided. Signage will comply with the established guidelines listed below:
- a. Vessels and Vehicles must be marked with company logo or lettering for identification purposes.
 - i. Logo or lettering must be readily identifiable to the naked eye at a distance of 50 feet.
 - ii. Minimum size of lettering: 2½ inch.
 - iii. Signage must be visible, clear, legible and of contrasting color.
 - iv. Logos must be of a unique design and a minimum size of 5 inches by 5 inches.
 - v. Identification is limited to company/organization name, logo, and telephone number and/or as required by state and/or federal motor carrier regulations.
 - vi. Signage should be centered on the front door or side window of the vehicle and located in a non- obstructed location on the sides (hull, cabin, or roof) of the vessel.
 - vii. Signage should be limited to two signs, one per side, tastefully and professionally appropriate to the size and type of vehicle/vessel.
- (m) Reporting Accidents/Injuries: The Direct Seller or Vendor is required to report in writing all non-emergency incidents involving an accident, collision, fire, injury, or other casualty to the City Clerk within 24 hours, regardless of the extent of damages. Filing this report to the City Clerk does not satisfy applicable United States Coast Guard, State, and County accident reporting requirements.
- (n) Supplies/Materials/Storage: The Direct Seller or Vendor shall not stockpile or store any supplies/materials/equipment on City Property.
- (o) Compliance Inspection: Commercial operations are subject to compliance inspections at any time by the City while operating on City Property.
- (p) Food Service: The Direct Seller or Vendor shall have a valid permit from the Bayfield County Health Department. Food service provided shall be in accordance with current U.S. Public Health Service Food Code. Food service is subject to inspection by the Bayfield County Public Health and Safety Officer.
- a. Any food items provided by the Vendor to the clients will only originate from an approved source (i.e., supermarket, grocery store, etc.) unless permitted

food truck/stand. The Vendor must ensure that current copies of the Food Handler's Certificate(s) are always on file with the Town. The only exception is for individual pre-packaged food, like a granola bar, that the clients open and consume without any other person handling it.

(q) Other Prohibited Activity: The Direct Seller or Vendor and their employees are specifically prohibited from the following activities:

- a. Providing service or support to any commercial film or photography or research entity, without first ensuring the entity or agency possesses a valid permit issued by the City.
- b. Traversing by vehicle anywhere other than on designated roads.
- c. Causing any damage and/or harm to any natural, cultural and/or historic resource or facility.
- d. Disturbing or collecting any artifacts by any means and/or any methods.
- e. Cutting or creating new trails; marking trails or locations by any means including flagging, rock cairns, vegetation, dead wood, chalking.
- f. Harassing, capturing, collecting, chasing and/or killing any wildlife.
- g. Feeding wildlife.
- h. Entering by vehicle, canoe/kayak/boat/vessel or on foot, any closed areas.
- i. Providing alcohol products of any kind to any visitor/client.
- j. Climbing on, diving from, or jumping from private property, sea caves, or cliffs.
- k. Smoking cigarettes, pipes, or e-cigarettes while providing commercial services in the Town.
- l. Using or being under the influence of any alcohol or drugs while providing commercial services in the Town.

(r) Hours of Operation. Direct Sellers and Vendors may only conduct operations on City Property between the hours of 7:00 am and one-half hour after sunset, unless otherwise authorized in a CUP or special approval.

(s) Annual Report: On or before December 15, every Direct Seller or Vendor required to obtain a CUP shall submit an annual report that includes visitor use data and gross receipts for the previous operating season. The City Clerk will send a reporting form to each CUP Holder at least 30 days prior to the reporting deadline.

Sec. 7-11-7 Use of City Waterfront

Any Direct Seller or Vendor wishing to utilize City Property as a means to access Lake Superior, including but not limited to the Coal Dock, Memorial Park, or West End Park, shall comply with the additional requirements:

- (a) No person or group of persons shall utilize, block access to, store goods, items, accessories, or nonmotorized vessels on, or otherwise encumber more than thirty (30) feet of shoreline on City Property at any time.
- (b) No Direct Seller or Vendor shall leave any equipment, goods, paddles, NMVs, or other items unattended along the waterfront for more than ten (10) minutes at a time.

Sec. 7-11-8 Enforcement of Ordinance.

(a) Issuance of citation to violator. Any law enforcement officer or any other officer or employee of City may, on behalf of the City, issue a citation to any person who is believed to have violated a provision of this ordinance. The penalty for citations issued for violations of this ordinance shall be assessed pursuant to Section 1-1-7 of the City of Washburn Ordinances.

(b) Each day a violation occurs constitutes a separate offense for which a separate penalty may be imposed.

(c) Revocation of Commercial Use Permit. In addition to or in lieu of the issuance of a citation to a person who is believed to have violated a provision of this ordinance, the City Clerk may provide the holder of a commercial use permit issued by the City with a written notice stating that the City intends to revoke the commercial use permit issued to such person on a date certain, not less than 15 days in the future. Such written notice of intent to revoke a commercial use permit shall be served on the commercial use permit holder by personal service or sent to them by certified mail, return receipt request, at least 15 days before the intended date of revocation of the commercial use permit. A certified mail letter properly addressed and sent to a commercial use permit holder shall be deemed to have been served on the addressee when mailed. Such written notice shall:

(1) Inform the commercial use permit holder of the City's intention to revoke the commercial use permit issued to them, the date of such intended revocation and the specific grounds for such intended revocation; and

(2) Inform the commercial use permit holder that they have a right, prior to the stated date of intended revocation, to file with the City Clerk a written request for a hearing before the Common Council on the issue of such revocation.

(i) If the City Clerk receives a written request for a hearing prior to the intended date of revocation of a commercial use permit, the commercial use permit issued to such person shall not be revoked until the hearing is conducted by the Common Council on such issue.

(ii) A hearing before the Common Council on the issue of whether to revoke a commercial use permit will be conducted, to the extent possible, similar to a hearing before the City Board of Review.

(iii) In the event the Common Council determines that a commercial use permit should be revoked, the Common Council can then also determine at such time whether to bar such person from being issued a commercial use permit in the future for a stated period of time.

(iv) An appeal from the determination of the Common Council under this section shall be by an action for certiorari commenced within 30 days after that party receives the written notice of the Common Council's decision.

2. Effective Date of Ordinance. This ordinance shall take effect upon passage and publication.

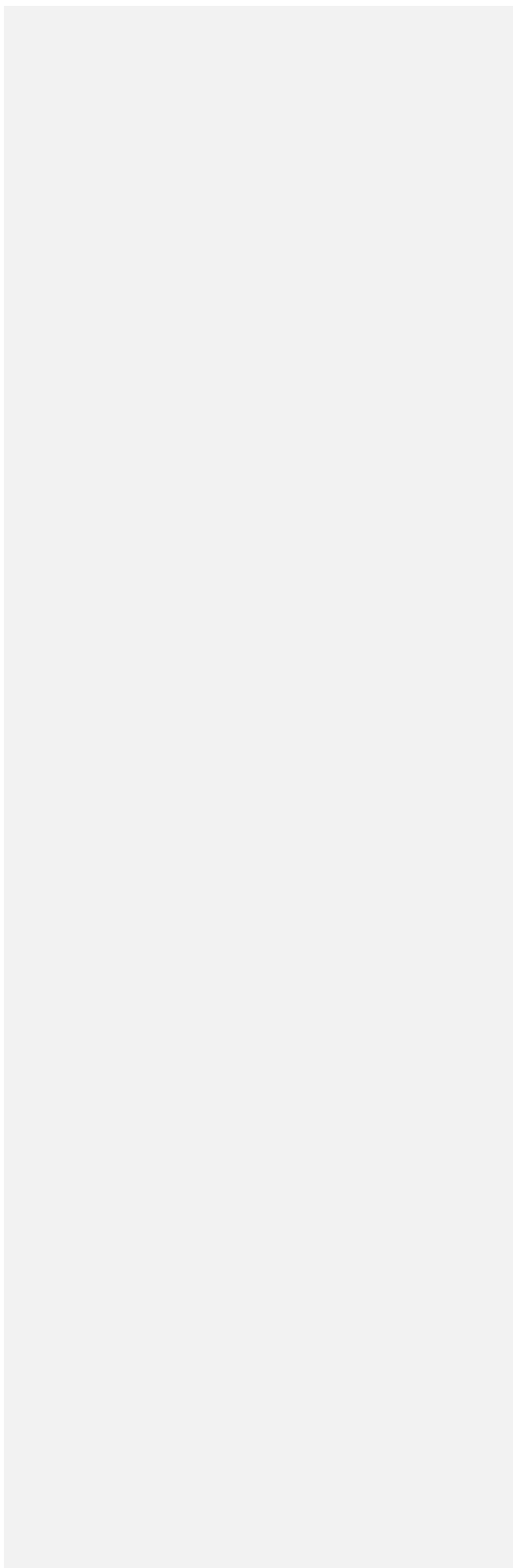
Attest:

Mary Motiff
Mayor

Scott J. Kluver
City Clerk

Adopted: _____

Published: _____



CITY OF WASHBURN
119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
FAX 715-373-6148

COMMERCIAL AUTHORIZATION ON CITY PROPERTY

(Code 7-11-1 through 8)

Legal Business Name: _____

Trade Name(s): _____

Type of Business (Sole Proprietor, Partnership, Corporation, LLC): _____

Federal Identification Number (EIN)/ or Social Security #: _____

State Employment Identification Number: _____

Name and Title of Principle Officer: _____

Physical and Mailing Address of Applicant: _____

Telephone Number: _____ **E-mail:** _____

Emergency Contact: _____

Desired City Property Requested to be Used: _____

Description of Operation: _____

(Add additional Sheet if necessary)

Desired Hours of Operation: _____

- Provide a Copy of a Certificate of Insurance with the City of Washburn listed as additional insured with minimal individual liability coverage of \$500,000 and \$1,000,000 aggregate coverage, or greater insurance as required for specific uses.

APPLICATION FOR COMMERCIAL AUTHORIZATION ON CITY PROPERTY---

Commercial Authorization on City Property (CACP) authorizes businesses to provide certain services within the boundary of parks and other City owned property. The CACP is a privilege subject to the supervision of designated employees and officials of the City of Washburn. Specific terms and conditions apply based on the nature of the commercial use of City property and the impact on other public activity. The terms of issuing a CACP include but are not limited to the following:

1. Unless otherwise indicated on the permit, the CACP is issued for a period of twelve (12) months from the date of approval.
2. The CACP will define the specific activities permitted and not permitted including the boundaries. Unless otherwise stated on the permit, the permittee can apply to operate between the hours of 6:00 a.m. and one hour after sunset.
3. The CACP may define minimum health and safety measures that must be maintained in the conduct of business.
4. There is no right or guarantee of renewal. Permittee must reapply for a new CACP for succeeding periods upon expiration of the current CACP.
5. A non-refundable application and monitoring fee applies and is determined by the City based on the type of business activity, duration and potential impact City services that may be required.
6. The Permittee agrees to comply with all Federal, State, County and City of Washburn laws, regulations and ordinances.
7. The City does not grant exclusive use of the City Property.
8. The Permittee acknowledges and agrees the City of Washburn, it's agents or employees are not a party to the business activity. The Permittee is solely responsible for any loss, damage, injury or death claim resulting from the use of City owned property in the conduct of business and will indemnify and defend the City of Washburn against all such claims. The Permittee must provide a general liability Certificate of Insurance naming the City of Washburn as an "additional insured" in the amount of not less than \$5000,000 per occurrence and \$1,000,000 aggregate. Depending on the business activity, the City may require additional insurance.
9. The Permittee is responsible for maintaining order and cleanliness as a result of the use of City property. This includes removal and disposal of trash and debris generated as a result of the business activity or customers.
10. Once issued, the CACP is not transferable nor be assigned to another party.
11. The Permittee is prohibited from knowingly giving false information and to do so is considered a breach of condition of the CACP and grounds for revocation.
12. Commercial business activity is prohibited on City owned property unless a CACP has been granted.
13. The Washburn City Common Council may waive any or all requirements for a CACP for authorized public events.

I have read municipal code 7-11, and the standard conditions listed on this application form. I also understand that I may be required to submit supplemental information as may be required elsewhere in the zoning code for my particular request. The information that I have submitted on this application is true and accurate to the best of my knowledge.

Application Signature: _____ **Date:** _____

Filing Fee: *The filing fee is due at the time of submitting the application. A receipt of the fee payment shall be attached to this application form and shall serve as the application submission date. The filing fee for*

CACP shall be in addition to the \$50 charged for a direct seller's permit.

Fee Schedule

Daily	\$30
Weekly	\$50
Monthly	\$175
Yearly (except Guided Kayak Tours)	\$500
Guided Kayak Tours (Yearly)	\$750

OFFICE USE ONLY

Date Submitted: _____

Date of Review: _____

Dates of Approval: _____

Name and Signature of Approving Official: _____

ADDITIONAL CACP REQUIREMENTS

GUIDED KAYAK TOURS SPECIFIC CONDITIONS

The Holder and their employees registered under this Commercial Authorization on City Property (CACP) will exercise this privilege subject to all of the following conditions:

Definition of Services Authorized Under This CACP: Guided Kayak Tours consist of guiding clients by kayak on the waters of Lake Superior, maintaining a required continuous presence at all times with the clients as specified below.

1. The Holder or registered employee(s) will maintain the required continuous presence with the clients for the entire duration of the scheduled trip. If clients self-transport, the Holder or registered employee(s) will maintain the required continuous presence from the moment of first contact within the City until the clients complete their trip.
2. Guiding day use or overnight tours on water for clients to destinations launching from City Property, by means of a seaworthy, non-motorized kayak of sufficient size to adequately and safely move the client on water while carrying the required safety equipment and activity-associated gear and supplies.
3. Guides will obtain an up-to-date marine weather forecast and ensure that lake conditions are safe for travel before departure on any portion of a tour.
4. Each tour group size is limited to 21 individuals (including guides) with at least one guide for every six clients. Under special circumstances (such as a class trip), Holder may request written permission from the City to increase group size, but these instances should be infrequent. Special conditions may apply.
5. Holder must ensure that all clients on Guided Kayak Tours are able to understand basic instructions, can sit upright in a kayak, and can remove spray skirt from kayak in event of capsize.
6. The CACP Permit for Guided Kayak Tours shall be valid for twelve (12) months from the date of approval. Daily or Monthly CACP Permits for Guided Kayak Tours are not authorized on Commercial Properties.

Authorized Hours of Operation: The Holder and their employees registered under this CACP will not provide any Guided Kayak Tours between sunset and sunrise and will ensure that all guides and clients will be physically off the waters of Lake Superior by sunset.

Website: Holder must maintain a functioning website with information about their guided kayak tour services. The website must include rates for tours offered, the legal business name as shown on the CACP, a valid physical address for the business, and a working telephone number and email address.

Trip Confirmations: Any trip confirmations that are electronically transmitted to the client must include the legal business name as shown on the CACP and a working telephone number and email address.

Required Equipment:

1. Each kayak in the Holder's party shall be equipped with the following:
 - a. Kayak paddle(s)
 - b. Spray skirt(s)
 - c. Adequate flotation bags or solid watertight bulkhead
 - d. Bilge pump or bailing device
2. All guides and clients are required to wear a properly fitted U.S. Coast Guard (USCG) approved PFD at all times during on-water activities of a Guided Kayak Tour.
3. Each traveling group shall have one marine radio, a cell phone, a group first aid kit, one flare kit, one safety throw rope, and one spare paddle for every three kayaks in the group.
4. Wet suits are required (to be on hand) for all overnight trips and required to be worn any time the combined air and water temperatures equal less than 120 degrees Fahrenheit.

Guide Certifications: When submitting the Employee/Guide List, Holder must identify guides as one of the four classifications listed below.

1. Apprentice Guide
 - a. Must be at least 14 years old
 - b. Must have current First Aid and CPR training
 - c. No prior experience of guiding, sea kayaking, or outdoor leadership.
 - d. This is considered on the job training.
 - e. They may accompany any trip, but they do not qualify as a guide when related to guide/ client ratio, they do count in the group total as it relates to overnight camping trips.

2. Assistant Guide
 - a. Must be at least 16 years old
 - b. Must have current First Aid and CPR training.
 - c. This would be for people that are new to guiding and/ or Lake Superior but have some prior experience sea kayaking and/or outdoor leadership.
 - d. Have the skills of ACA Level 2: Essentials of Kayak Touring Skills Assessment (or the equivalent).
 - e. May assist a Senior/ Lead Guide as a second guide on trips with over 6 clients. They may not lead any trips by themselves.
3. Lead Guide
 - a. Must be at least 18 years old
 - b. Must have current First Aid and CPR training.
 - c. Experienced in the outdoors and has solid sea kayaking skills.
 - d. Intermediate level of knowledge of the natural history of the area and paddling experience on Lake Superior or comparable body of water. Good outdoor skills. Prior experience leading groups of various ages and abilities. Prior teaching experience. Considerable personal and professional outdoor experience. Demonstrated experience with complicated decision making, risk management and group management.
 - e. Have the paddling and leadership skills of ACA Level 3: Coastal Kayak Trip Leader (or the equivalent}.
 - f. May lead any day trips by themselves.
 - g. May lead overnight trips with current Wilderness First Aid certification.
4. Senior Lead Guide/Instructor: Holder must identify at least one person as Senior Lead Guide/Instructor. Each Senior Lead Guide/Instructor must present their original certifications to the Town Clerk before the beginning of the operating season each year. The Senior Lead Guide/Instructor will be responsible for assessing and verifying the skills of Apprentice Guides, Assistant Guides, and Lead Guides.
 - a. Must be at least 18 years old
 - b. Current Wilderness First Aid and CPR certified
 - c. Are professionals with extensive paddling, physical skill teaching, demonstrated decision making, risk management, outdoor group management and leadership experience (3+ years)
 - d. Certified ACA Level 4: Open Water Coastal Kayaking Instructor (or above) or ACA Level 3: Coastal Kayaking Instructor Trainer (or the equivalents); current and valid certifications must be provided to the City Clerk. (NOTE: Certifications will be verified with the issuing organization.)
 - e. May lead all trips, plus check-out apprentice and assistant guides to qualify for more senior positions and oversee guide trainings.

Safety Briefing: Prior to each tour, the guide will provide a safety briefing for clients. At a minimum, the safety briefing must include:

1. Basic paddling instruction
2. How to exit the vessel in event of capsize
3. Group paddling parameters
4. Emergency procedures
5. Use of equipment (how to adjust seat, use foot pedals, operation of rudder, must wear PFD)
6. Basic understanding of kayak stability and how to maximize it.
7. Expected paddling conditions, weather briefing, and approximate route and time frame for the tour.

Motorized Support Vessels:

1. Support vessels are authorized and, for safety reasons, can be used to transport visitors/clients.
2. Vessels used to provide or support this service will be inspected, equipped, and licensed in accordance with U.S. Coast Guard requirements, applicable federal and state laws and regulations. Vessels will display current state registration or possess a U.S. Coast Guard Declaration.
3. The use of motorized vessels will be conducted in accordance with applicable U.S. Coast Guard (USCG) requirements, including, but not limited to operation, vessel capacity, safety equipment, and rules of the road. A minimum of a captains (six pack) license is required in order to transport clients/visitors.
4. Motorized vessels will adhere to Uninspected Charter Regulations (Six Packs) for vessels less than 100 gross tons as issued by U.S. Coast Guard. The vessel is subject to boarding and inspection at any time within the Town.

Vehicles/Trailers:

1. When towing kayak trailers and/or the support vessel, the motorized tow vehicle will be mechanically sound, of sufficient size, horsepower, and brake horsepower, commensurate to the size of the trailer with boat/vessels being towed (or as required by state law) to adequately and safely complete the tow from its place of storage outside the City Property, to designated public launch ramps and return. Total length of vehicle plus trailer must not exceed 45 feet.

2. Motor vehicles used to provide this service will be street legal and have current insurance, registration, license, inspection, equipment, and will be properly permitted in accordance with state law. The license will be properly affixed and displayed as required by state law. All motor vehicles used to transport kayaks and/or clients in the City must be registered and insured in the name of the CACP Holder/business entity to whom this CACP is issued.
3. Trailers used to transport kayaks and the support vessel will be in sound mechanical condition, appropriately sized, and configured for the type of vessel being towed, with all lights and equipment in good working order. The trailer will be properly connected to the tow vehicle at all times.

Permits and/or Licenses: Holder is required to possess the following:

1. For operators of motorized support vessels, the Holder must provide current copies of the U.S. Coast Guard License(s) to the City for filing as part of the CACP.
2. When providing vehicle transportation for visitors/clients within the boundaries of the City, the Holder will ensure all employees under this CACP performing services as drivers are currently qualified to perform the service, possess a valid driver's license, and that a copy of the valid driver's license is on file with the City. A Commercial Driver's License (CDL) is required for operation of motor vehicles that have the capacity to carry 16 or more passengers, including the driver.

Use of Area: The Holder will not use or be assigned any facilities or portions thereof, located within the City, except as allowed to the general public. For example, a picnic table in a day use area that is intended for recreational use by visitors may not be converted to use as office space for the CACP Holder. This CACP does not authorize priority use of park areas. The Holder is prohibited from blocking access or impeding the flow of traffic along any roads, trails, walkways, greenways, parking lots, stairwell access, beaches, and/or waterways of any City facilities. Once safety briefing is complete and the tour is underway, any surplus equipment/supplies (wet suits, PFDs, etc.) must be properly stored in/on the Holder's vehicle or trailer or transported out of the City. It is acceptable for kayaks to be staged on the beach, but they must not be left unattended, must not encumber more than thirty (30) feet of shoreline, and must be removed from the park at the end of each day.

Congestion: CUP Holders are expected to work cooperatively and professionally to (1) stagger launch times to avoid congestion at the City Property and (2) stage kayaks on beach to minimize any negative impacts to beachgoers.

Overnight Stay (Camping): The Holder and their employees registered under this CACP will not stay overnight within the boundaries of the City while engaged in the commercial activities unless the Holder is registered at a Campground or Lodging facility.

Reporting Requirements: In addition to the annual CACP report that is required of all CACP Holders, the Guided Kayak Tours CACP shall also submit a monthly visitor use report that includes number of trips, number of clients, launch point, destination, and number of day trips vs. overnight trips. The report for each month of operation will be due on the 15th day of the following month. The City Clerk will provide a form for this reporting.

Additional Insurance Requirements: CACP Holders engaged in Guided Kayak Tours shall provide a copy of a Certificate of Insurance with the City of Washburn listed as an additional insured with minimum individual liability coverage of \$1,000,000 and \$2,000,000 aggregate coverage.

Additional Information Required: CACP Holders engaged in Guided Kayak Tours shall provide the City with the following information:

1. Number and type of watercraft being used.
2. List of all guides/employees/contractors used in association with the Guided Kayak Tours, including proof of CPR and guide training certification.
3. A manifest of all persons on the water must be maintained and readily available to emergency service personnel upon request.

City of Washburn

119 Washington Avenue P.O. Box 638
Washburn, Wisconsin 54891
715-373-6160 www.cityofwashburn.org

DIRECT SELLER PERMIT APPLICATION INSTRUCTIONS

Tile 7 Section 4 of the Washburn City Code requires that all direct sellers and vendors as defined in Section 7.4.2-(a) to apply for a permit. Each applicant must submit all applications in person at the Washburn City Hall, 119 Washington Avenue, and pay a \$50.00 application fee. A photo I.D. (preferably a driver's license or state-issued ID card) must be presented to the City Clerk's Office at the time of application. There may be a 1-3 business day delay from the time a completed application is received and paid until the time the permit is issued/given to the applicant. If a permit is denied for any reason, the fee paid at the time of application is non-refundable. A permit is valid for the period listed on the application, with exception of particular City sanctioned events; see Ordinance Section 7-4-4 (d) (1).

In addition, businesses that either recruit or use traveling sales crews are also required to register with the Wisconsin Department of Workforce Development's Equal Rights Division and secure sales permits for each crew member. When entering the city, the crew members must have their sales permits stamped by the City Clerk's Office and obtain a City Permit. Each sales member must carry these permits with them and present them upon request by potential customers or police officers. A "traveling sales crew" is defined as two or more individuals who are employed as salespersons or in related support work, who travel together in a group, and who are absent overnight from their permanent places or residence for the purpose of selling consumer goods or services from house to house, on any street, or in public places.

Applicants must comply with Tile 7 Chapter 4 of the City of Washburn Code of Ordinances regulating direct sellers and vendors. Applicants should read this attached Ordinance before submitting their completed application and direct any questions to the City Clerk's Office.

Under Wisconsin law, Chapter 103.23, "No minor under the age of 12 years shall be employed or permitted to work at any street trade". Section 103.25 requires that a minor under the age of 18 years shall not be employed or permitted to work at any street trade unless he/she has obtained a work permit. A copy of the work permit must be attached to this application. Must provide verification of applicable Wisconsin Seller's Permit, Weights & measurer license, and/or food safety license if applicable.

If the applicant intends to operate or conduct business on any City Property, the applicant must also complete the attached Commercial Authorization on City Property ("CACP") addendum and comply with all requirements of Title 7, Chapter 11, of the City's Code of Ordinances.

City of Washburn Direct Seller's Permit Application

■ Copy of Permit Must Be In Possession During Use ■

PLEASE PRINT LEGIBLY:

NAME OF APPLICANT (Last, First, MI):

PERMANENT ADDRESS OF APPLICANT:

CITY: _____ STATE: ____ ZIP: _____

Height: _____ Weight: _____ Color of Hair: _____ Eye Color: _____

DATE OF BIRTH: _____

HOME/CELL PHONE:

() _____

If you are from out of state, list the name, address and phone number of the hotel/motel/ or temporary residence at which you are staying or address where the applicant can be contacted within seven (7) days of leaving the City:

NAME OF BUSINESS YOU REPRESENT: _____

BUSINESS ADDRESS:

BUSINESS PHONE:

() _____

E-MAIL _____

DISCRIPTION OF BUSINESS BEING CONDUCTED AND PROPOSED METHOD OF SERVICE DELIVERY:

DISCRIPTION OF ANY VEHICLE USED BY APPICANT IN CONDUCT OF BUSINESS (MAKE, MODEL, LICENSE PLATE #)

TIME PERIOD OF ACTIVITY: _____

LIST AT MOST 3 DIFFERENT CITIES, TOWNS, OR VILLAGES AND THE CORISPONDING DATES WHERE YOU LAST ENGAGED IN DIRECT SELLER ACTIVITES:

Have you ever been convicted of any crime, including citations?

Yes or No

If so, when/where/what? _____

Disposition of charges

SIGNATURE OF APPLICANT: _____

DATE OF APPLICATION: _____

FOR OFFICE USE ONLY:

DATE PAID: _____

TYPE OF IDENTIFICATION: STATE _____ ID NUMBER _____

COMMENTS: