



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Municipal Services Committee

Monday, February 26, 2024

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[24-0211](#) Minutes from 02-12-2024

Attachments: [02-12-24 MSC Minutes.pdf](#)

5. Public Hearing/Appealances

6. Action Items

[24-0212](#) Receive and file the College Avenue Lane Reconfiguration Report for Pilot Period #1 (July 2023 through January 2024).

Attachments: [College Avenue Lane Reconfiguration Report #1.pdf](#)

[24-0213](#) Approve request from The Boldt Company for a street occupancy permit for the Fox Commons City Center Plaza project along College Avenue from City Center East to the entrance of City Center West for a period ending on May 15, 2024.

Attachments: [Permanent - Fox Commons - College Ave - 3-7-2024 through 5-15-2024.pdf](#)

[24-0214](#) Approve the proposed modification to the Glendale and Whitman Yard Waste Site hours of operation.

Attachments: [2024.02.26_Yard Sites Schedule Proposal.pdf](#)

[24-0215](#) Approve the recommended lighting updates near the intersection of Walnut Street and College Avenue.

Attachments: [Lighting Improvements Walnut @ College.pdf](#)

[24-0216](#) Approve the proposed modification to the Central Business District Street Vendors Ordinance.

Attachments: [CBD Street Vendor.pdf](#)

7. Information Items

[24-0217](#) Inspection Division Permit Summary Report for January 2024.

Attachments: [Inspection Report - January 2024.pdf](#)

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes - Final Municipal Services Committee

Monday, February 12, 2024

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

Present: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

4. Approval of minutes from previous meeting

[24-0148](#)

Minutes from 01-22-2024

Attachments: [01-22-24 MSC Minutes.pdf](#)

**Meltzer moved, seconded by Siebers, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

5. **Public Hearing/Appearances**

6. **Action Items**

[24-0149](#)

Preliminary Resolution 1-P-24 for Concrete Pavement, Driveway Aprons and Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [1-P-24 Concrete Paving Sidewalks and Aprons.pdf](#)

Siebers moved, seconded by Meltzer, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

[24-0150](#)

Preliminary Resolution 2-P-24 for Sanitary Laterals, Storm Laterals and Storm Main Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [2-P-24 Sanitary Laterals, Storm Laterals, Storm Main.pdf](#)

Siebers moved, seconded by Meltzer, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

[23-1405](#)

Resolution #12-R-23 Closure of the Whitman Yard Waste Site

Attachments: [#12-R-23 Closure of Whitman Yard Waste Site.pdf](#)

[Whitman Site Resolution Staff Memo.pdf](#)

[Yard Site Community Comparison.pdf](#)

[2024.02.07 Whitman Site Resolution Memo_Final.pdf](#)

Meltzer moved, seconded by Siebers, that the Report Action Item be recommended for denial. Roll Call. Motion carried by the following vote:

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

[24-0151](#)

Award 2024 Materials Testing and Contaminated Soils Contract (M-24) to Westwood Infrastructure, Inc. in an amount not to exceed \$100,000.

Attachments: [M-24 Contract Award Memo.pdf](#)

Siebers moved, seconded by Meltzer, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

[24-0152](#)

ALTA Planning + Design Complete Streets Study Update

Attachments: [Complete Streets Policy Update \(2-12-24 MSC\).pdf](#)

[MSC 2-12-24 ALTA Presentation.pdf](#)

Siebers moved, seconded by Meltzer, that the Report Action Item be received and filed. Roll Call. Motion carried by the following vote:

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim

7. Information Items

8. Adjournment

**Siebers moved, seconded by Meltzer, that the meeting be adjourned. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Van Zeeland, Doran, Meltzer and Siebers

Excused: 1 - Alfheim



"... meeting community needs ... enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474

To: Municipal Services Committee
From: Danielle Block, P.E. Director of Public Works
Date: February 20, 2024
Re: College Avenue Lane Reconfiguration Reporting Period #1

Background & Current Status

In the Spring of 2023, the Municipal Service Committee and Common Council approved the College Avenue Lane Reconfiguration 18-month pilot project. During the pilot project, staff will report out every six months following the completion of the lane reconfiguration. With project construction completed in July of 2023, the first six-month reporting period is complete.

The following metrics were provided as possible measurements of success of the project.

- Quantitative Data:
 - Traffic Counts
 - Bike/Pedestrian/Scooter Counts
 - Crashes
 - Vehicle Speeds
 - Total Roadway Closures due to Aggressive Driving
 - Parking Meter Revenue along College Avenue
- Qualitative Data:
 - Business/Community Member Feedback
 - APD/AFD Feedback

On Monday, February 26th staff will provide a presentation to the Municipal Services Committee, reporting out on the above metrics. The presentation materials and dashboard will be posted to the City's website following the presentation at www.smartstreetsappleton.com

Next Steps:

- 2/26/24 – Reporting Period #1 Presentation to Municipal Services Committee.
- Week of 2/26/24 (approx.) - posting of the Reporting Period #1 documents to the City's website.
- August 2024 – Reporting Period #2 Presentation to Municipal Services Committee.
- February 2025 – Reporting Period #3 (Final) Presentation to Municipal Services Committee and final consideration regarding approval of the project.

DEPARTMENT OF PUBLIC WORKS

METER BAG APPLICATION

Fee is \$9.00 per day plus tax or any part thereof. **THIS FEE WILL BE CHARGED FOR EVERY DAY THE METER BAG IS RESERVED** (excluding Sundays and Holidays).

NOTE: Meter bags shall not be used on red meters. If a red meter is found bagged, the bag will be removed and the vehicle will be ticketed.

Company Name

Agent.....

Company Address.....

Phone Number

Reason

Location

Meter
Zone & Space#.....

Date(s).....

(Department use only)

Amount Due.....
(\$9.00 per bag per day plus tax)

Approved by
Department of Public Works Representative

Today's Date.....



Lane closure detail for barrier wall installation and removal.
 Sidewalk relocation with barrier wall and ADA pedestrian barricades to be installed after this work.



START DATE & TIME
 DURATION:

GENERAL NOTES:
 THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT & SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. THE CITY OF APPLETON DECIDES FINAL APPROVAL OF TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE MOUNTED ON PORTABLE SUPPORTS. THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES. SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.

LEGEND

- 🚧 SIGN SYMBOL
- 🟡 CHANNELIZER DRUM
- 🚧 TYPE III BARRICADE
- ➡ DIRECTION OF TRAFFIC
- 🟠 42" DELINEATOR CONE

Owner	CITY OF APPLETON		
Project Name	City Center Plaza	Project Number	N/A
Prime Contractor	Boldt Companies	Traffic Control Contractor	Warning Lites of Appleton, Inc.
Phone	920-725-0757	Sheet Number	1
Prepared By	Lance G Mauel	Date	08/06/2023



NOTE: ADDITIONAL ADA PEDESTRIAN BARRICADES AND CURB RAMPS MAY BE USED TO OPEN A PATH/GAP TO BUSINESSES THAT NEED ACCESS ALONG COLLEGE AVENUE



Sidewalk relocation with barrier wall and ADA pedestrian barricades

START DATE & TIME

DURATION:

GENERAL NOTES:
 THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT & SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. THE CITY OF APPLETON DECIDES FINAL APPROVAL OF TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE MOUNTED ON PORTABLE SUPPORTS. THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES. SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.

LEGEND

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Owner	CITY OF APPLETON	
Project Name	City Center Plaza	Project Number N/A
Prime Contractor	Boldt Companies	Traffic Control Contractor Warning Lites of Appleton, Inc.
Phone	920-725-0757	Sheet Number 2
Prepared By	Lance G Mauel	Date 08/06/2023



DEPARTMENT OF PUBLIC WORKS
 Engineering Division
 100 North Appleton Street
 Appleton, WI 54911
 TEL (920) 832-6474

To: Municipal Services Committee
From: Danielle Block, Director of Public Works
 Nate Loper, Deputy Director of Public Works
Date: February 21, 2024
Re: Yard Site Schedule Changes for 2024

The City of Appleton Public Works Department proposes the following yard site schedule, starting April 2024. These changes will provide more options for customers and will better help us meet our overall operational needs.

As a reminder, the location of the City’s two yard waste sites are:
 Glendale Yard Waste Site – 2625 E. Glendale Avenue
 Whitman Yard Waste Site – 701 S. Whitman Avenue

SUMMER HOURS (April to Thanksgiving)

	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>
Glendale (Current)	8-5:45	8-5:45	X	X	X	8-5:45	8-5:45
Glendale (Proposed)	8-5	8-5	X	X	X	8-5	8-5
Whitman (Current)	8-5:45	8-5:45	X	X	X	8-5:45	8-5:45
Whitman (Proposed)	X	X	8-5	8-5	8-5	8-5	X

WINTER HOURS (Thanksgiving through March)

	<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>
Glendale (Current)	8-5:45	8-5:45	X	X	X	8-5:45	8-5:45
Glendale (Proposed)	X	9-4:30	9-4:30	9-4:30	9-4:30	9-4:30	X
Whitman (Current)	X	X	X	X	X	X	X
Whitman (Proposed)	X	X	X	X	X	X	X

The proposed changes will provide a free option for yard waste disposal, 7 days per week in the summer. We have received negative feedback over the years when customers attempt to drop off yard waste during the week and we don’t provide them with an open site. Our proposal provides an option for them to dump at one site or the other, which should greatly reduce the frustration when finding both sites closed and then bringing a load of brush back home.

This schedule also keeps Glendale open the same days as it has been over the last several years. We feel it’s important to keep the Glendale schedule status quo and open on the weekend since it currently sees 75% of the total customers. There is also increased security at Glendale, which is an important factor when employees are

working alone on the weekend. In addition, the results from our June 2023 survey showed that 46% of Grand Chute customers visited the Glendale site during this two-week period. We felt this was further justification for keeping the weekend hours at Glendale and having the Whitman site open through Friday each week.

The proposed schedule does have a slight reduction in daily summer hours (45 minutes) to better allow for the site attendants to open and close the site. The site attendants work 40 hours per week and need some prep and cleanup time built into their schedule. Currently, our attendant starts their shift at the same time the site opens, which is challenging. Allowing some time before the site opens will help get the cash register ready, gates opened, entrance cleaned up, etc. The time at the end is necessary to push piles up, tidy up, patch holes in the lot, change signage, etc.

The proposed schedule also helps DPW address the challenges we face with staffing two sites on weekends, especially with one site being at a remote location. The Glendale site has increased security features and allows for easy access to equipment and tools at our adjacent Municipal Services Building. Also, only staffing one site over the weekend will help with our retention and recruitment efforts. As challenging as it is to find quality people with a CDL and equipment operating experience, it's even more difficult to find this person when they are required to work every weekend. Having only one site open on weekends, and only in the summer, will have a positive impact on employee retention, and our overtime budget (when covering for vacations).

The winter schedule would be more in line with other municipalities and allows for this employee to assist with other operations. We currently average 13 customers per day on winter weekends and expect this number to be closer to 1 or 2 per day with the elimination of the garbage dumpsters. This employee during the week could be helping do other tasks around our entire campus, while just keeping an eye on the yard site. On weekends they would be available to plow snow, which would be a huge bonus. Lastly, the earlier closing hour in the winter is for safety reasons with the earlier sunsets and dark conditions.

It is important to note that we discussed this new schedule with the Town of Grand Chute, and they were in favor of this proposal and did not indicate that we would need to re-evaluate our current Memorandum of Understanding (MOU). The City has modified hours in the past without the need to renegotiate the terms of the MOU.



"... meeting community needs ... enhancing quality of life."

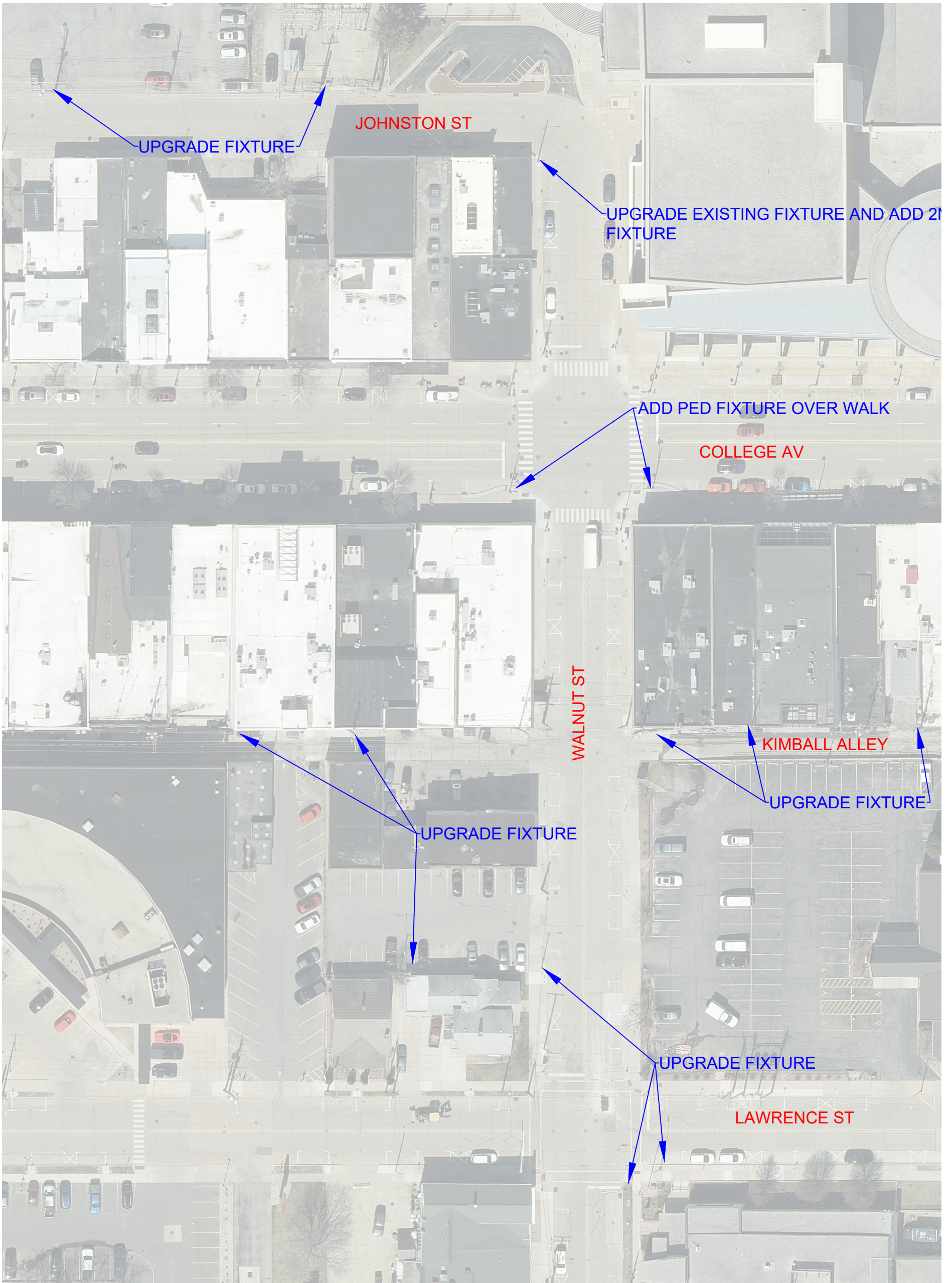
DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474

To: Municipal Services Committee
From: Danielle Block, Director of Public Works
Date: February 20, 2024
Re: Recommended Lighting Upgrades – Walnut Street @ College Avenue

As part of the initiative to address nightlife safety concerns, staff has identified lighting as a potential improvement. The City of Appleton Public Works Department Traffic Section has reviewed the existing conditions along the N 100 and S 100 blocks of Walnut Street – near the intersection of College Avenue at the request of the Appleton Police Department. The additional lighting will improve visibility. Enhanced visibility could positively impact the safety of the Walnut Street corridor and has been identified by Appleton Police Department as one strategy to mitigate issues recently experienced in the area. Other strategies are being introduced and recommended, all the strategies seek to reduce gatherings at an around bar close time, reduce the opportunities for crowding, improve visibility for vehicles and pedestrians, and provide additional tools for investigation of incident and oversight of security procedures.

Total cost to implement estimated at \$15,000 plus ongoing lighting costs paid annually. Funding source ARPA, contingent upon future approval by the Finance Committee.

The lighting enhancements are illustrated on the following page.





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DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474

To: Municipal Services Committee
From: Danielle Block, P.E. Director of Public Works
Date: February 20, 2024
Re: Request for Central Business District Street Vendors Ordinance Modification

As part of the initiative to address nightlife safety concerns, staff has identified a modification to the existing Central Business District Street Vendor Ordinance. The following recommendation seeks to reduce gatherings at and around bar close time, reduce the opportunities for crowding, improve visibility along corridors and provide safer access on and along the sidewalk and amenity strips of the downtown area. Staff recommends amending the permissible hours for Street Vendor (Food Trucks) in the Central Business District, requiring Food Trucks to end service by 12:00 am Midnight rather than the current time of 4:00 am.

The entirety of the Central Business District Street Vendor Code is included as an attachment. Staff is recommending modification to Sec. 9-639 Conduct of business generally – CBD street vendors (e), as shown below.

(e) A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise, between the hours of 8:00 a.m. and 9:00 p.m., except between Drew Street and Richmond Street on College Avenue, where sales shall be allowed between 8:00 a.m. and ~~4:00 a.m.~~ 12:00 a.m. (midnight).

**DIVISION 3. CENTRAL BUSINESS DISTRICT
STREET VENDORS**

Sec. 9-626. Purpose.

It is the intent of the Common Council to control and regulate the use of streets and sidewalks to the end that the safe use of sidewalks by pedestrians and roads by vehicles is ensured and the health, safety and general welfare of the public is protected and maintained. Consistent with this policy, the purpose of these regulations is to assure the safe and orderly performance of selling on streets and sidewalks within the Central Business District.

(Ord 73-12, §1, 8-21-12)

Sec. 9-627. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amenity strip shall mean the area between the curb and the defined pedestrian right-of-way along College Avenue between Richmond Street and Drew Street. On all other streets, amenity strip shall mean a minimum four- (4-) foot width between the curb and an eight- (8-) foot pedestrian right-of-way.

CBD street vendor means any person who sells or offers for sale any goods, wares, merchandise, or services for sale in the CBD (Central Business District) from any mobile unit which is propelled by human power, including mobile food establishments.

Mobile food establishment means a restaurant or retail food establishment where food is served or sold from a movable vehicle, push cart, or trailer which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code. Mobile food establishment does not include a vehicle which is used solely to transport or deliver food or a common carrier regulated by the state or federal government.

Mobile sidewalk/amenity strip unit shall mean a pushcart or other device which is on wheels and of sufficiently lightweight construction that it can be moved from place to place by one (1) adult person without any auxiliary power. The device shall not be motorized so as to move on its own power.

On-street unit shall mean any vehicle or pedal-powered unit that is readily movable, and designed and equipped to prepare, serve, or sell food.

Vehicle shall mean any motor vehicle as defined by Wis.

Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71).
(Ord 25-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-628. License and Street Occupancy Permit required.

(a) No CBD street vendor shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever within the CBD without first obtaining a license as set forth in this division. Licensees may obtain no more than two (2) Street Occupancy Permits for any portion of the Central Business District west of Appleton Street; and no more than two (2) Street Occupancy Permits for any portion of the Central Business District east of Appleton Street.

(b) No more than eight (8) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued between Appleton Street and Richmond Street. No more than eight (8) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued between Appleton Street and Drew Street on College Avenue. This shall include all vendors using such units, whether vending goods or food.

(c) No more than two (2) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued per block. One (1) block shall be defined to mean the area between intersections on a single side of the street.

(d) No more than eight (8) Licenses may be issued for on-street units.
(Ord 25-05, §1, 4-12-05; Ord 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12; Ord 11-22, §1m 1-19-22)

Sec. 9-629. Liability insurance.

To hold a Street Occupancy Permit, the permit holder must have in force 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 a result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted. As evidence of liability insurance, the permit holder shall furnish a Certificate of Insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Appleton, its employees and agents as additional insureds in an amount not less than one million dollars (\$1,000,000). Whenever such policy is cancelled, not renewed, or materially changed the insurer and the permit holder shall notify the City of Appleton by certified mail.

(Ord 25-05, §1, 4-12-05; 76-11, §1, 4-12-11; Ord 3-12, §1,

LICENSES, PERMITS AND BUSINESS REGULATIONS

1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-630. Application for license; license fees.

(a) *Non-food vendors.* Any person desiring to engage in business vending goods other than mobile food establishments, for which a license is required under this division shall obtain a Street Occupancy Permit/License Application form from the Department of Public Works. The application shall state the nature of and the place where the business is to be carried on, a general description of the things intended to be sold, disposed of or contracted for, the name, date of birth and permanent address of all the employees to be covered by such license, the name and address of the person the applicant represents, and the place of residence of the applicant for the two (2) years previous. The requirements of §9-631 shall be complied with before the permit is issued. At the time of filing the application, an application fee shall be paid to the Director of Finance to cover the cost of the investigation of the facts stated in the application. The amount of the initial application fee shall be on file in the Department of Public Works. For purposes of this section, an initial application is any application by a person who has not held a valid license under this division within three (3) years of the date of application. The application shall be sworn to by the applicant and filed with the Department of Public Works, and shall contain such additional information as the Chief of Police and City Sealer shall require for the effective enforcement of this division and the safeguarding of the residents of the City from fraud, misconduct or abuse. Religious, charitable, patriotic or philanthropic agencies or their agents shall be required to comply with §9-641 et seq.

(b) *Food vendors.* Any person desiring to engage in business as a mobile food establishment, for which a license is required under this division shall first obtain a Mobile Food Service License from the Department of Health. The Department of Health will advise the applicant of the available locations for mobile sidewalk/amenity strip units. The applicants then obtain a Street Occupancy Permit/License Application form from the Department of Public Works. The application shall state the nature of and the place where the business is to be carried on, a general description of the foodstuffs to be sold, the name, date of birth and permanent address of all the employees to be covered by such license, the name and address of the person the applicant represents, and the place of residence of the applicant for the two (2) years previous. The requirements of §9-631 shall be complied with before the permit is issued. At the time of filing the application, an application fee shall be paid to the Director of Finance to cover the cost of the investigation of the facts stated in the application. The amount of the initial application fee shall be on file in the Department of Public Works. For purposes of this section, an initial application is any application by a person who has not held a valid license under this division within three (3) years of the date

of application. The application shall be sworn to by the applicant and filed with the Department of Public Works, and shall contain such additional information as the Chief of Police shall require for the effective enforcement of this division and the safeguarding of the residents of the City from fraud, misconduct or abuse. Religious, charitable, patriotic or philanthropic agencies or their agents shall be required to comply with §9-641 et seq.

(Ord 25-05, §1, 4-12-05; Ord 3-12; §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-631. License investigation.

Upon receipt of an application for a license under this division, the Chief of Police and Sealer of Weights and Measures shall institute such investigation of the applicant as they deem necessary for the protection of the public good, and shall endorse their approval or disapproval upon the application within a reasonable time, not to exceed seven (7) working days, after it has been filed. The Department of Public Works shall issue approved Street Occupancy Permits/Licenses in accordance with such findings after presentation by the applicant of a receipt of the Director of Finance showing payment of the required fee. Should the investigations in this division include a recommendation for denial, the Department of Public Works shall refer the license to the Municipal Services Committee for action.

(Ord 25-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-632. Bond.

If the Chief of Police determines from his or her investigation of the application for a license under this division that the interests of the City or of inhabitants of the City require protection against possible misconduct of the licensee or if the applicant is otherwise qualified but due to causes beyond his or her control is unable to supply all of the information required by §9-630, he or she may require the applicant to file with the City Clerk a bond in the sum of five hundred dollars (\$500) with surety acceptable to the Department of Public Works, running to the City, conditioned that the applicant will fully comply with the ordinances of the City and laws of the state relating to peddlers, solicitors, canvassers or transient merchants and guaranteeing to any citizen of the City doing business with him or her that the property purchased will be delivered according to the representations of the applicant, provided that action to recover on any such bond shall be commenced within six (6) months after the expiration of the license of the principal.

(Ord 25-05, §1, 4-12-05; Ord 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-633. Issuance and term of Street Occupancy Permit/License; restrictions on use; identification card.

(a) In order to obtain a CBD Street Vendor Street Occupancy Permit/License, the license holder must exhibit a valid certificate of insurance as required by §9-628 of this article. Licenses and Street Occupancy Permits required under this division shall be issued on a calendar year basis beginning on January 1 and expiring on December 31.

(b) Street Occupancy Permits/Licenses for CBD Street Vendors using mobile sidewalk/amenity strip units shall be issued on a calendar year basis beginning on January 1 and expiring on December 31. At the time of the application for a Street Occupancy Permit, there shall be notification to the business at the address applied for, and the adjacent business owners.

(c) Mobile food establishments with on-street units shall not receive a Street Occupancy Permit, however they will require a license under this article, the fee for which shall be the same as for the Street Occupancy Permit/License.

(d) All Street Occupancy Permits/Licenses shall be numbered in the order in which they are issued and shall state clearly the place where the business may be carried on, including the location of mobile sidewalk/amenity strip units used by CBD street vendors, as well as the kind of goods, wares and merchandise to be sold, disposed of or contracted for, the dates of issuance and expiration of the license.

(e) The Department of Public Works, by the method they deem appropriate, shall clearly designate the location on the amenity strip each mobile sidewalk/amenity strip unit is licensed to use for sales. In no circumstance shall any of said licensed areas be within twenty (20) feet of another mobile sidewalk/amenity strip unit's licensed area.

(f) Licenses issued under this division shall not be valid on the following special event days: Flag Day Parade, License to Cruise/Octoberfest, and Christmas Parade; and no vendor shall operate within the Farmers Market solely under this permit. Any CBD vendor must obtain space from the Farmers Market organizers to operate within those confines. No CBD vendor may operate within a two (2) block radius of any other special event held within the corporate limits of the city. No license shall be granted to a person under eighteen (18) years of age unless a street trade permit is obtained pursuant to W.S.A. §103.25 and no applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months has elapsed since the last previous rejection or revocation, unless he or she can show that the reason for such rejection or revocation no longer exists. Every license holder, while exercising his or her license, shall post the license in a

conspicuous place on the premises or his or her person and shall exhibit the license upon demand of any officer, customer or prospective vendee. A license shall not be assignable and any holder of such license who allows it to be used by any other person shall be in violation of this division. Whenever a license is lost or destroyed, a duplicate in lieu thereof may be issued by the Department of Public Works under the original application upon the filing with him or her by the license holder of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for the recovery of the license, and upon the payment of a fee. All licensees shall be issued a photo identification card by the City Clerk at the time the license is issued. Any agent or employee of the licensee shall obtain a photo identification card. The amount of the fee for the lost license and photo identification card shall be on file in the office of the City Clerk.

(g) Any licensee under this division who wishes to change the location of mobile sidewalk/amenity strip units licensed under this division shall be allowed to request one (1) change in location per unit during a license year. The licensee must relinquish the Street Occupancy Permit/License for the abandoned location, and obtain a Street Occupancy Permit/License for the new location. An administrative fee, on file with the Department of Public Works shall be charged for the change and re-issuance of the license. The new location must meet all the applicable restrictions under this division.
(Ord 285-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-634. Appeal of denial of license.

If the investigating authority denies an application for a license under this division, the Department of Public Works shall forthwith notify the applicant by certified mail, return receipt requested, of the denial and the reason therefore. The notice shall indicate the date and time of the review of the denial by the Municipal Services Committee and the right of the applicant to appear before the Committee. The Municipal Services Committee shall hear any person for or against granting the license and shall report its recommendation to the Common Council, which shall grant or deny the license.
(Ord 25-05, §1, 4-12-05; Ord 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12, Ord 73-12, §1, 8-21-12)

Sec. 9-635. Revocation of license.

The Common Council may revoke any license under this division pursuant to §9-29 for violation by any vendor or his or her employee or agent of any provision of this division or any ordinance of the City which renders future vending inimical to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this division.

LICENSES, PERMITS AND BUSINESS REGULATIONS

(Ord 25-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-636. Renewal of CBD Street Vendor Licenses.

In order to renew a CBD Street Vendor Street Occupancy Permit/License, the license holder must exhibit to the Department of Public Works a valid certificate of insurance as required by §9-629 above. A CBD Street Vendor using a mobile sidewalk/amenity strip unit who wishes to retain the same location upon renewal of a license must renew their Street Occupancy Permit/License no later than December 15, otherwise the location will be made available to any licensee. The same procedure for initial application shall apply to renewals.

(Ord 25-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-637. Surrender of license; alteration of license; failure to display license.

On the expiration of a license issued under this division, the holder shall surrender the license to the Chief of Police. No person shall alter or change in any manner any license issued under the provisions of this division, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the premises or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

(Ord 25-05, §1, 4-12-05; Ord 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-638. Prepayments.

All orders taken by a license holder under this division who accepts or receives payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one (1) copy shall be given to the purchaser at the time the deposit of money is paid.

(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-639. Conduct of business generally – CBD street vendors.

A CBD street vendor holding a license under this division shall be subject to the following:

(a) A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted food or foodstuffs, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, wares or merchandise which he or she sells or offers for sale or the disposition of the proceeds or profits of his or her sales.

(b) A licensee shall not use the license provided by the City after expiration or revocation of the license.

(c) A licensee shall keep the premises in a clean and sanitary condition and the foodstuffs offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with the requirements of state and local authorities, including, but not limited to, the provisions of Article VI of this chapter.

(d) A licensee shall not operate in a congested area where such operation impedes or inconveniences public use. No licensee shall engage in the licensed business in any public park, playground, school, library or other public premises. For the purpose of this subsection, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(e) A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise, between the hours of 8:00 a.m. and 9:00 p.m., except between Drew Street and Richmond Street on College Avenue, where sales shall be allowed between 8:00 a.m. and 4:00 a.m.

(f) The operating area shall not exceed thirty-two (32) square feet of sidewalk/amenity strip area, including the area of the mobile unit, the operator, and when externally located, a trash receptacle.

(g) The length of the mobile unit shall not exceed eight (8) feet.

(h) The height of the mobile unit, excluding canopies, umbrellas, or transparent enclosures, shall not exceed six (6) feet.

(i) The mobile unit shall be entirely self-contained in regards to gas, water, electricity, and equipment required for operation of the unit. This includes any signage associated with the vendor.

(j) No person may conduct business on a sidewalk in any of the following places:

- (1) Within twenty (20) feet of the intersection of the sidewalk with any other sidewalk except on the amenity strip on College Avenue between Drew Street and Richmond Street.
- (2) Within ten (10) feet of the extension of any building entrance or doorway to the curb line.
- (3) Within fifty (50) feet of the main entrance of any business selling same or similar products during the hours said business is open for the

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sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.

- (4) Once a vendor is licensed, and a Street Occupancy Permit has been obtained, the change of use of those businesses in buildings within the fifty (50) feet limitation noted above shall not affect an existing license nor the timely renewal of the same.

(k) All persons conducting business on a sidewalk or amenity strip must pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form that is deposited by any person on the sidewalk or street within twenty-five (25) feet of the place of conducting business. Each person conducting business on a sidewalk or amenity strip under the provisions of this division shall carry a suitable container for placement of such litter by customers or other persons.

(l) Vendors shall maintain their sales location in a clean, hazard-free condition, and shall not discharge materials onto the sidewalk, gutters or storm drain. All liquid residue must be cleaned up, or in the alternative, protective matting may be placed on the amenity strip to absorb any liquid residue. Said matting must be removed when the vendor closes for the day.

(m) No person may make any loud unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

(n) No person shall conduct business as defined herein at a location other than that designated on his or her Street Occupancy Permit/License.

(o) No permitted mobile sidewalk/amenity strip units shall be left unattended on a sidewalk or amenity strip nor remain on the sidewalk or amenity strip between 4:00 a.m. and 8 a.m.
(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-640. Vending of products from vehicles or other on-street unit in the public streets.

(a) No food shall be sold from a vehicle other or on-street unit in any public street in the City of Appleton except in compliance with the requirements of this section and §9-639 above.

(b) Any vehicle or other on-street unit used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.

(c) Each such vehicle or other on-street unit used for

vending food shall be licensed for such use by the Department of Health.

(d) If such vehicle or other on-street unit is a motor vehicle, it must have valid license plates and registration as provided by Chapter 341 of the Wisconsin Statutes.

(e) A vehicle or other on-street unit which is operated for the purpose of selling food from the unit in the public streets shall be operated only by a person who shall have obtained a license under this division.

(f) In addition, the operator or the owner of any motor vehicle shall furnish proof of current insurance issued by an insurance company authorized to do business in the State of Wisconsin and shall maintain such insurance as a condition of licensing under this division. The insurance shall provide coverage for bodily injury, including accidental death, as well as for claims for property damage which may arise from the operations under the license. The policy limits of such insurance shall be the same as those required in §9-629 above.

(g) Amplified music or other sounds from any vehicle used for the purpose of vending products in the public streets shall comply with the applicable requirements of Chapter 12, Article IV of this code pertaining to noise.

(h) No sales shall be made from a vehicle except from the curbside of said vehicle.

(i) No sales shall be made within fifty (50) feet of the main entrance of a licensed food establishment during the hours said business is open to the public unless written permission is granted by an authorized representative of that establishment to the permit holder.

(j) No vehicle may violate any traffic or parking statute or ordinance when stopping to make sales. This includes plugging parking meters, if applicable and not remaining in a location for a longer period of time than the meter allows. Meter bags will not be issued to license holders under this article.

(k) No on-street unit may park adjacent to a sidewalk café or an establishment with a Street Occupancy Permit for tables and chairs when the tables and chairs are present on the amenity strip.
(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12; Ord 12-22, §1, 1-19-22)

Editor's Note: Chapter 9, Division 3 was repealed and recreated via ordinance 3-12 adopted by the Common Council on January 1, 2012, published January 9, 2012 and became effective January 10, 2012.

Editor's Note: Chapter 9, Division 3 was repealed and recreated via ordinance 73-12 adopted by the Common Council on August 15, 2012, published August 20, 2012 and became effective August 21, 2012.

Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

01/01/24 Thru 01/31/24

Report Date: 2/1/2024

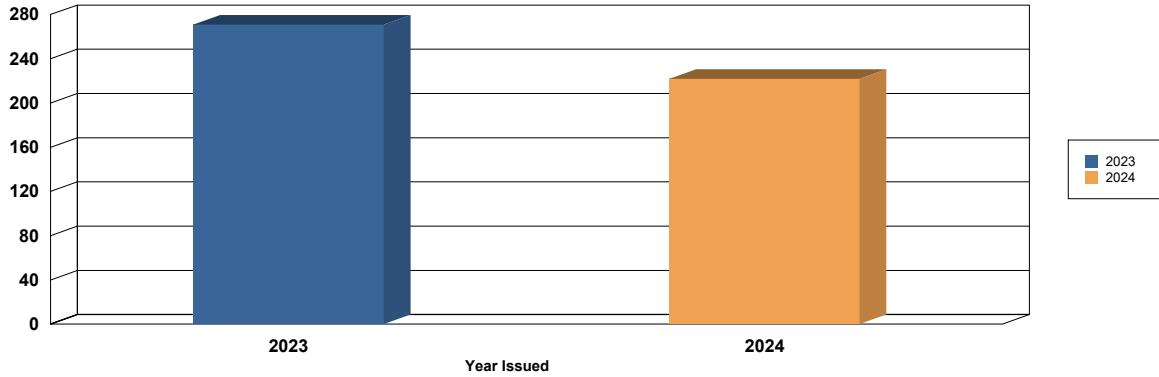


Permit Type	Year Issued	Permit Count	Total Estimated Cost	Total Receipt Amount
BUILDING	2023	49	6,686,922	31,981.59
	2024	40	16,518,521	96,677.10
		-18.37 %	147.03 %	202.29 %
DISPLAY SIGN	2023	30	294,564	1,200.00
	2024	6	83,771	600.00
		-80.00 %	-71.56 %	-50.00 %
ELECTRICAL	2023	55	896,076	6,996.61
	2024	44	2,833,256	16,471.05
		-20.00 %	216.18 %	135.41 %
EROSION CNTL	2023	2		200.00
	2024	2		250.00
		%	%	25.00 %
HEATING	2023	60	423,100	5,042.16
	2024	67	1,774,820	6,739.70
		11.67 %	319.48 %	33.67 %
PLAN REVIEW	2023	15		5,212.50
	2024	10		4,695.00
		-33.33 %	%	-9.93 %
PLUMBING	2023	45	416,175	3,096.00
	2024	39	809,330	4,034.00
		-13.33 %	94.47 %	30.30 %
SEWER	2023	15	99,717	1,612.00
	2024	12	44,411	2,457.00
		-20.00 %	-55.46 %	52.42 %
WELL	2024	2		80.00
		%	%	%

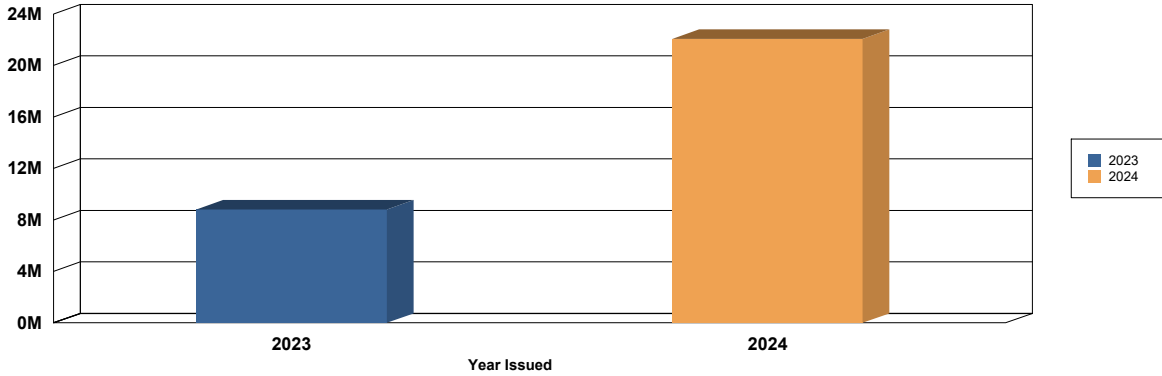


	2023	2024
Permits	271	222
Estimated Cost	8,816,554.00	22,064,109.00
Receipt Amount	55,340.86	132,003.85

Number of Permits



Estimated Cost



Receipt Amount

