

Recommendation for updates to MGO 8.17 (Vending in Public Parks)

Statement of purpose:

The vending and commercial use ordinance update is designed to put current practice into agreement with Madison ordinance and provide a means of regulation of private businesses engaging in operation, promotion, or representation of private businesses in Madison Parks. In addition, the ordinance must be updated to reflect the various of forms that monetary compensation can be distributed through personal and electronic means. Additionally, separating commercial use from the vending ordinance will better allow understanding of what is allowed and what is not within the City of Madison Parks system. As the agency charged with oversight of the Madison Parks System the Madison Parks Division has a responsibility to ensure that any business operating or advertising on Park Land is doing so equitably and in the public interest. By recommending this ordinance update the Parks Division has no interest in privatizing parks or turning parks into businesses. It is the expressed intent of the Madison Parks Division to codify current practices and outline a system of regulation for vending and commercial use that ensures the public access and public interest are maintained.

Outline of intended ordinance revision

1. Definitions

- 1) Parks Vendor (vendor)- is defined as a person or entity who advertises or promotes a good or service, sells goods or provides a service in a public park or on a roadway adjacent to a park.
- 2) Firm- a business, for profit or not, that provides goods or services to the public in exchange for money or donations of any kind.
- 3) Commercial shoot - filming or photography by a person, business, or other entity for a market audience with the intent of generating income.
- 4) Commercial use – Any activity for which public or park land is used for private monetary gain or a fee, charge, purchase of goods or services, or donation is required for the provision of a service or as a condition of attendance or participation, including but not limited to vending of food or other products; watercraft or other equipment rentals; guiding or tour services; dog walking or training; firms using park amenities to conduct business; advertising services by way of signs, demonstrations, fliers, or other promotional activities; or clubs, camps or other organizations; or any other situation where monetary financial gain occurs in person or virtually.

2. Permits for vending in Parks

- 1) Types of Vending allowed in Parks (with a permit)
 - a) Food Vending
 - i) Annual or Daily Vending permit
 - ii) Carts in Parks program

- iii) Park Event permit
 - iv) Neighborhood/Community Group Park permit
 - b) Merchandise Vending
 - i) Park Event permit
 - ii) Neighborhood/Community Group Park permit
 - c) Classes in Parks permit
 - d) Commercial Shoot permits
 - e) Kids Camp in Parks permit
- 2) Provisions
 - a) It shall be unlawful to sell food or merchandise, provide professional instruction, childcare service, day camp for which a fee is charged to the participant without first obtaining a permit for such activity from the Park Superintendent or designee.
 - i) Such activity shall be recognized as a commercial enterprise and may be subject to liability insurance requirements
 - ii) Additionally, if the above services are offered for free and are advertised in a Madison Park a permit must be obtained for such activity from the Park Superintendent or designee.
 - iii) Additionally, a commercial shoot permit is required for filming/photography as defined above in a City of Madison Park.
- 3) Exceptions
 - a) pursuant to WI State Law update allowing minors to operate a stand without a permit

3. Commercial use of parkland

- 1) Provisions
 - a) It shall be unlawful for any person or firm to use of Madison Parks for the purposes of commercial use or private financial gain without having first obtained written permission from the board of Parks Commissioners or obtained a permit for use from the Parks Division.
- 2) Exceptions
 - a) storage of commercial equipment regulated or approved by temporary land use permit
 - b) bingo and raffle events as regulated by the State of Wisconsin