

Chapter 350

MOBILE FOOD VENDING

§ 350-1. Permit Required.

- A. Any person operating, conducting or managing within the Village a mobile food vending stand shall obtain a permit. A permit shall not be required for: a) any private party, picnic, event or gathering where the general public is not invited, nor when such mobile food vending occurs entirely on private property or b) any non-profit, religious, fraternal or service organization participating in a Village approved event or festival, not to exceed four days per event and eight events per year.

§ 350-2. Definitions.

- A. Mobile Food Vendor. A mobile food vendor is an individual who offers for sale only personally prepared food for which that individual is regularly involved in all phases of both the production and the sale of the food. In addition, a food vendor may be a corporation, cooperative or partnership; however, the application and permit shall designate a primary individual who is all regularly involved in all phases of the production process and who are responsible for the vending operation.
- B. Personally Prepared Food. Personally prepared food is food or beverage produced by the vendor from raw or basic ingredients, changing the nature, form, shape or function. All food sold shall comply with State Health Regulations.

§ 350-3. Area of Operation.

- A. Mobile Food Vendor permittees may operate in all areas except R-1, R-2 and R-3.

§ 350-4. Hours of Operation.

- A. Mobile Food Vendor permittee may operate between the hours of 6:00 am and 2:00 am. Vehicles, carts, trailers and other equipment may only be set up at a place of operation after 6:00 am and must be removed by 2:00 am.

§ 350-5.

- A. No permit shall be issued for use of public right-of-way until satisfactory evidence is presented that the permittee has obtained general liability insurance coverage with an insurance company permitted by the State of Wisconsin naming the Village as an additional insured in the amounts not less than \$1,000,000 for bodily and personal injury sustained by any one occurrence and \$100,000 for property damage, and said insurance shall be primary insurance coverage for any damages to persons or property caused by reason of any accident or occurrence to any person or property arising from or growing out of the use of the encroachment permit. Such insurance coverage shall be maintained for so long as the permit is in effect.

§ 350-6.

- A. Each permittee shall furnish at its location of operation a garbage can not less than 30 gallons in size. Garbage shall not be allowed to accumulate as litter, and full garbage cans shall be

emptied as needed throughout the hours of operation. No garbage shall be deposited in municipal waste containers by a permittee. Prior to leaving a site after operation, a permittee shall inspect and pick up all garbage, litter, refuse and food within 50 feet.

§ 350-7. The exercise of a permit pursuant to this section shall be subject to the following restrictions and limitations:

- A. Noise levels emanating from the vending site shall be kept to a minimum, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. No sound amplification shall be allowed. Vendors utilizing an enclosed vending cart may use amplification inside an enclosed vending cart only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.
- B. All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.
- C. All equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair.
- D. A Mobile Food Vendor permittee shall have access to a “service base” for the purpose of vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins and boarding food. A licensed service base must be located at: 1) Vendors own warehouse or commercial space, 2) Shared space with a licensed restaurant or retail establishment, 3) Shared space with a licensable community kitchen. 4) Home based kitchens are not allowed to be used as a service base.
- E. Generators must operate at 60 decibels or lower when measured from the building front nearest to the permittee.
- F. No vendor shall drive or permit another to drive a motor vehicle upon any sidewalk area for the purpose of depositing vending carts or other equipment thereon. This prohibition does not apply to permanent or temporarily established driveways.
- G. No service from a truck or trailer shall be allowed onto the street side of the vehicle.
- H. A food cart located upon a sidewalk shall not be placed less than 5 feet from a building. A minimum 5 foot path for pedestrian traffic shall be maintained at all times, and the vendor shall manage its queue so that pedestrian traffic on the sidewalk is not impeded.
- I. Seating for customers is not allowed.
- J. No moving or flashing lights are allowed.
- K. No alcohol shall be served.

§ 350-8. The fee for a Mobile Food Vending Permit shall be as set forth by the Village Board.

§ 350-9. The Village reserves the right to revoke permit if the above ordinance is violated.