



Fee: \$125.00
 Annual License Period
 License Expires: June 30, 20____

MOBILE FOOD VENDOR PERMIT APPLICATION

Section 1: Business Information					
Business Name					
Business Address					
City		State		Zip	
Business Phone					
Business Type	(Check one)	<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation	
WI Seller's Permit No.					
<i>Please Note: A Wisconsin Seller's Permit Number is required to process application.</i>					
Section 2: Applicant Information					
Name					
Home Address					
City		State		Zip	
Phone					
Date of Birth					
Section 3: Insurance Information					
Liability Insurance Carrier					
Policy #		(Not Less Than \$1,000,000 In Coverage)			
<i>Please Note: The City of Fond du Lac must be named as an Additional Insured & a copy of the Certificate of Liability Insurance must be submitted to the Clerk's Office with the Mobile Food Vendor Permit Application.</i>					
Section 4: Type of Mobile Vending Unit Information					
Item(s) to be sold					
Type of Direct Sales	(Check one)	<input type="checkbox"/> Cart	<input type="checkbox"/> Stand	<input type="checkbox"/> Trailer	
Description of Cart, Stand, Trailer					
<i>Please Note: Attach a photo of Mobile Vending Unit</i>					
List License Plate No. & Registration Information of any vehicle to be used:					
Location(s) Where Selling		(Check All That Apply)	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Right-of-way	<input type="checkbox"/> Private Property
List Specified Location(s) Where Selling: Street Address, Days of Week at Location(s), Times For Each Location(s)					
1)					
2)					
3)					
4)					
5)					

READ CAREFULLY BEFORE SIGNING

I declare, under penalty of perjury, that the statements in this application, and all attachments to and documents submitted with this application, are true, correct and complete to the best of my knowledge. I understand and acknowledge that any information contained herein or submitted as a part of this application that is found to be false or misleading may result in this application being denied, or any license granted pursuant to this application, suspended or revoked, in addition to possible filing of applicable criminal charges. I also acknowledge that it is my responsibility to become familiar, and comply, with the provisions of Chapter 356: Food and Food Handling Establishments, Article II: Mobile Food Vendors of the City of Fond du Lac.

Signature of Applicant:	Date:
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Application Attachments:

- Site plan if location is on private property showing the location of all existing and proposed structures, access, equipment and parking.
- Authorization to Utilize Property.
- Photo of Mobile Vending Unit (Truck, Cart, Trailer, etc.)
- Certificate of Liability Insurance: City of Fond du Lac named as additional insured and certificate holder and not less than \$1,000,000 in Coverage.
- Wisconsin Seller’s Permit.

Applications should be submitted to:

City of Fond du Lac
 City Clerk’s Office
 160 S. Macy Street
 P.O. Box 150
 Fond du Lac, WI 54936-0150
 Phone: 920-322-3430

Office Use Only

Date Received:		Control #:	
Receipt #			
Date Processed:		License #	
Date of City Council Action:		City Council Action:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied

CITY OF FOND DU LAC

Memorandum

Date: _____

To: Chief of Police Attn: Records Division

From: City Clerk

Subject: **Mobile Food Vendor Permit Application**

The attached application was filed with this office within the preceding forty-eight hours. It is respectfully requested that your recommendation on the granting and issuance of a license be provided to this office.

CITY OF FOND DU LAC

Memorandum

Date: _____

To: City Clerk

From: Chief of Police

Subject: **Mobile Food Vendor Permit Application**

I hereby recommend that the application be:

Granted a license _____

Denied a license _____

Comments:

ORDINANCE NO. 3587

**AN ORDINANCE AMENDING CHAPTER 356 OF THE CODE
OF THE CITY OF FOND DU LAC BY DELETING AND
RECREATING MOBILE FOOD VENDORS**

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That ARTICLE II, Mobile Food Vendors is hereby deleted in its entirety and recreated to read as follows:

§ 356-3. Definitions.

MOBILE FOOD VEHICLE — A commercially manufactured, self-contained, mobile food unit, including trucks, carts and trailers, in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer.

MOBILE FOOD VEHICLE VENDOR — The owner of a mobile food vehicle or pushcart; hereinafter referred to as "vendor".

PUSHCART — A non-self-propelled wheeled cart, specifically designed and used for keeping, storing, or warming food or beverage for sale by a mobile food vehicle vendor, which may be moved by one person without the assistance of a motor.

§ 356-4. License required.

- A. It shall be unlawful for any person to do any of the following within a public right of way or on public property in the City of Fond du Lac without first having obtained a valid mobile food vending license as prescribed in this Article:
- (1) Operate a mobile food vehicle or pushcart;
 - (2) Serve, sell, or distribute food from a mobile food vehicle or pushcart;
 - (3) Cook, wrap, package, process, or portion food in a mobile food vehicle or pushcart for service, sale, or distribution.
- B. No person shall park, stop, or operate a mobile food vehicle or pushcart, nor shall any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle or pushcart in a location adjacent to or within a one hundred foot (100') radius of the

nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning, or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the most recent application for a mobile food vending license was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.

- C. Each and every vendor will at all times keep a "measuring wheel or measuring tape" with a measuring capacity of no less than 200 feet (200') on the mobile food vehicle. The measuring wheel or tape will be available for use by any person operating or working on the mobile food vehicle and by any police officer or other municipal official tasked with enforcing the provisions of this Article.
- D. All vendors will abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in said spaces so long as it abides by all other parking restrictions, including required payments in both parking meters, when applicable.
 - (1) Vendors may park on Main Street from Johnson Street to 4th Street and Western Avenue subject to compliance with parking regulations. The two (2) hour parking restrictions will be strictly enforced. Vendors that violate the two (2) hour restriction will not receive warnings prior to being cited.
- E. Mobile food vehicle vending locations will be utilized on a first come, first reserved basis and may generally occur in commercially and industrially zoned area (subject to limitations within residential areas). All mobile food vehicle units must maintain a distance of five feet (5') from the nearest edge of any building and two feet (2') from the curbs. All vendors will maintain the appropriate distances from crosswalks, curb cuts, sidewalk benches, bike racks, bus shelters and stops and other obstructions. The vendor is required to set up the mobile food vehicle, arrange for waiting on customers and have customers line up in a way that avoids conflict between customers and the traveling public, including pedestrians, parked vehicles and

- moving vehicles. A clearance of not less than five feet (5') wide will be maintained on any public sidewalk upon which a pushcart is located. Mobile food vehicles are not permitted on public sidewalks.
- F. Vendors are not allowed in City parking lots or on public property, except as part of an approved Special Event or upon approval by the Community Development Director. Vendors are not allowed in City parks where the City has a vending contract with a concessionaire or in City parks when the concession stands are open. Mobile vehicle food vending is not allowed adjacent to parks with vending contracts or open concession stands. Vendors are allowed adjacent to City parks upon approval of the Parks Superintendent, the City Engineer or Chief of Police or their respective designee(s).
- G. Vendor may set up on private property zoned for business, recreational or industrial land use, but such an operation may require a temporary use permit. In residential areas (such as areas not adjacent to City parks), vendors are not permitted to park and stay in one location; vendors must keep moving and make only short stops to sell products, except as part of an approved Special Event or upon approval by the Community Development Director.
- H. A person with a valid driver's license of such a classification to allow the operation of the mobile food vehicle shall be with the vehicle at all times that any activity is taking place in the mobile food vehicle. Vendor is liable for any violation of this subsection.
- I. No person will park, stop, or operate a mobile food vehicle, nor will any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle in a location within five hundred feet (500') or the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the City is occurring, except when the vendor has obtained a permit or otherwise properly obtained permission to do so.
- J. Appropriate permits or other properly obtained permission must be obtained to park, stop, or operate a mobile food vehicle or push cart in a location within five hundred feet (500') or the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the City is occurring.

- K. All mobile food vehicle vendors are prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer, or to any planter or tree or other public amenity.
- L. All signage must be permanently affixed to the mobile food vehicle or pushcart. No accessory signage will be placed outside or around the mobile food vehicle or pushcart.
- M. Mobile food vehicle or pushcart vending hours on public property and public right-of-way are from 8:00 am to 9:00 pm (Sunday through Thursday) and from 8:00 am to 10:00 pm (Friday and Saturday). Mobile food vehicle must be closed, the area cleaned and the mobile food vehicle removed by the time specified. Mobile food vehicle vending hours are not restricted on private property locations.
- N. Nothing in this article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the article. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

§ 356-5. License Application; Regulation.

- A. Any person desiring to operate a mobile food vehicle or pushcart will make written application for a mobile food vending license to the City Clerk's office. The application for such license shall be on forms provided by the City Clerk's office and will include all of the following:
 - (1) The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
 - (2) A description, including make, model, VIN number, and license plate, of the mobile food vehicle.

- (3) A valid copy of all necessary licenses, permits or certificates required by the County of Fond du Lac, the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof, including but not limited to valid proof of registration for the vehicle and driver's licenses for all operators and documentation of the necessary approvals from the Fond du Lac County Health Department for operation as a mobile food vendor.
 - (4) Any additional information deemed necessary by the City Clerk to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.
- B. Upon receipt of an application for a mobile food vending license, the clerk may conduct a background check and may refer to the Chief of Police or his or her designee who may make and complete an investigation of the statements made in such registration. Any such investigation will be completed as soon as practicable. The City Clerk may refuse to register the applicant if any of the following is determined:
- (1) The application contains any material omission or materially inaccurate statement;
 - (2) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related the applicant's fitness to engage in direct selling; or
 - (3) The applicant failed to comply with any requirement of Section 356-5.A.
- C. Each mobile food vending license will expire on June 30th of each year.
- D. A mobile food vending license is not transferrable from person to person.
- E. A mobile food vending license is valid for one vehicle only and is not transferrable.
- F. The mobile food vending license will be permanently and prominently affixed to the mobile food vehicle.

- G. License, late fee and renewal fees shall be paid in accordance with the fee schedule set by resolution of the City Council.
- H. Any person denied a mobile vending license may appeal the denial to the City Manager by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The City Manager or his designee will notify the applicant, at least 48 hours prior to the hearing date, time and place of such hearing. Notice will be personally served on the appellant. This appeal process is also available for license holders who have been suspended or revoked.

§ 356-6. **Suspension and revocation.** A mobile food vending license may be suspended or revoked by the City Clerk, or the Chief of Police, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provision of this article, if there are noise complaints related to the mobile food vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to the licensed activity. Notice of suspension or revocation will be personally served on the applicant and will include a statement of the act(s) upon which the denial is based. Appeals are available as set out in §356-5.H.

§ 356-7. **Violations and penalties.**

- A. Any person violating any provision of this article shall be subject to the forfeitures and penalties contained in §1-4 of this Code. Each day of violation shall constitute a separate offense.
- B. The Police Department and the Department of Public Works shall have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either Department.

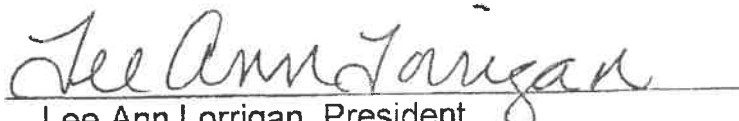
Section 2. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 3. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 4. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:
AUGUST 12, 2015



Lee Ann Lorrigan, President
Fond du Lac City Council

Attest:



Margaret L. Heffer, City Clerk

City Attorney:

Reviewed 

ORDINANCE NO. 3636**AN ORDINANCE AMENDING CHAPTER 356 OF THE CODE OF THE CITY OF FOND DU LAC FOR ALLOWING MOBILE FOOD VENDORS AND ICE CREAM VENDORS IN CITY PARKS**

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Chapter 356 Food and Food-Handling Establishments., Article II Mobile Food Vendors., Section 356-4 License required., paragraph F., is hereby amended to read as follows:

- F. Mobile food vendors are allowed in City parking lots only as part of an approved special event or upon approval by the Community Development Director. Mobile food vendors are allowed adjacent to or within City parks, but shall not park, stop, or operate a mobile food vehicle or pushcart, nor permit any person to park, stop, or operate a mobile food vehicle or pushcart, in a location adjacent to or within a two-hundred-foot radius of the nearest edge of any building or section of a building located in a City park that sells food or beverages.

Section 2. That Chapter 356 Food and Food-Handling Establishments., Article II Mobile Food Vendors., Section 356-4 License required., paragraph K., is hereby amended to read as follows:

- K. All mobile food vehicle vendors are prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer, or to any planter or tree or other public amenity. Authorization to use City utilities in City parks may be granted by the Parks Superintendent.

Section 3. That Chapter 356 Food and Food-Handling Establishments., Article III Ice Cream Vendors., Section 356-28 Parking restricted., is hereby amended to read as follows:

- A. It is unlawful for any vendor to park any vehicle within the lines of any public street, road, or other public place in the City for a period longer than 15 minutes for the purpose of selling or offering for sale ice cream products, except that vendors are allowed adjacent to or within Lakeside Park. The term "park" shall be given the meaning contained in Ch. 346, Wis. Stats.
1. Vendors shall not park, stop, or operate a vehicle for the purpose of selling or offering for sale ice cream products, nor shall any vendor permit any person to park, stop, or operate a

vehicle for the purpose of selling or offering for sale ice cream products in a location adjacent to or within a two-hundred-foot radius of the nearest edge of any building or section of a building located in Lakeside Park that sells food or beverages.

Section 4. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in §1-4 of the Code.

Section 5. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 6. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

JUN 28 2017



Karyn Merkel, President
Fond du Lac City Council

Attest:



Margaret L. Hefter, City Clerk

City Attorney:

Reviewed 