

EXHIBIT A  
CHAPTER 12 – LICENSES AND PERMITS  
12-16 - MOBILE FOOD VENDORS

1. DEFINITIONS

- (a) Food. All articles used for food, nonalcoholic drink or condiment, including ice or water used by humans, whether simple, mixed or compound, and articles used or intended for use as ingredients in the composition or preparation thereof.
- (b) Mobile Food Establishment. Includes any mobile food vehicle such as trucks, pushcarts, or trailers, whether motorized or non-motorized, and temporary tents or stands, in which food is prepared or processed and from which food is sold or dispensed to the end consumer. Mobile food establishments exclude children’s lemonade stands operated within private property in residential zoning districts of the Village.
- (c) Mobile Food Vendor. Hereafter referred to as “vendor”, includes any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the Village or not, who engages in a temporary and/or mobile food establishment business for the purpose of selling food, other than house to house, within the Village, and who in furtherance of such purposes, hires, leases, uses or occupies any structure, motor vehicle, trailer, tent, or pushcart for the exhibition and sale of such food.
- (d) Non-Profit Organization. Means not conducted or maintained for the purpose of making a profit as defined by the Federal Government or State of Wisconsin.
- (e) Pushcart. A self-propelled wheeled cart, specifically designed and used for keeping, storing, cooling food or beverage or warming food or beverage for sale by a mobile food vendor, which may be moved without the assistance of a motor or towing vehicle.
- (f) Religious Non-Profit Organization. Means as defined by Federal or State of Wisconsin laws.

2. LICENSE REQUIRED

- (a) It shall be unlawful for any person to do any of the following within a public right-of-way, private property, or on public property in the Village of Palmyra without first having obtained a valid mobile food vending license as prescribed in this chapter:
  - 1. Operate a mobile food establishment;
  - 2. Serve, sell or distribute food from a mobile food establishment;
  - 3. Cook, wrap, package, process or portion food in a mobile food establishment for service, sale or distribution.
- (b) Exemptions. Mobile food vendors, while participating in a fair, market or special event sponsored by either a civic nonprofit organization, a religious non-profit organization, or the Village shall be exempt from the provisions of this chapter, except as set forth in this section, provided that the civic nonprofit or religious non-profit sponsoring organization obtains prior approval from the property owner and from the Village for the fair, market or

special event and provided that the vendors and nonprofit organization comply with all restrictions and requirements imposed by the Village incidental to such approval.

### 3. GENERAL PROVISIONS

- (c) No person shall park, stop or operate a mobile food establishment, nor shall any mobile food vendor permit any person to park, stop or operate a mobile food establishment in a location adjacent to or within a two-hundred-foot (200) radius of the nearest edge of any building or section of a building comprising a licensed food establishment within the Village, the kitchen of which is open for serving food to patrons, excluding any patio, awning or temporary enclosure attached thereto. 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.
- (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 length of time operations.
- (e) Mobile food establishment vending locations will be utilized on a first-come-first-served basis and may generally occur in commercially and industrially zoned areas (subject to limitations within residential areas, see sub. g below). All mobile food equipment units must maintain a distance of five feet from the nearest edge of any building. All vendors will maintain the appropriate distances from crosswalks, curb cuts, sidewalk benches, bike racks, fire hydrants and other obstructions. The vendor is required to set up the mobile food establishment, 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 vendor shall maintain a clearance of not less than five feet wide on any public sidewalk upon which a pushcart is located. Mobile food establishments are not permitted on public sidewalks. A vendor shall maintain clear access to and visibility of crosswalks and street corners. When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace area immediately adjacent.
- (f) Vendors are not allowed in Village parking lots, parks or on public property, except with approval from the Village Board. Vendors are not allowed in Village parks where the Village has a vending contract with a concessionaire or in Village parks when concession or food stands are open. Mobile food establishment vending is not allowed within 500 feet of the boundary line of any public park with vending contracts or open concession or food stands.
- (g) Vendors may set up on private property zoned for business, industrial, institutional, or recreational land use. In residential areas, 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 Village Board.
- (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. The vendor is liable for any violation of this subsection.

- (i) No person will park, stop or operate a mobile food establishment, nor will any mobile food vendor permit any person to park, stop or operate a mobile food establishment in a location within 500 feet of 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 Village is occurring except with permission of the Village Board.
- (j) All mobile food 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.
- (k) Mobile food vendors may be permitted to provide temporary outdoor seating in the form of picnic tables or folding chairs with approval of the Village Board. Any proposed outdoor seating areas must not obstruct pedestrian or vehicle circulation and must be removed when the mobile food establishment is closed.
- (l) The mobile food vending license will be permanently and prominently affixed to the mobile food establishment.
- (m) All signage must be affixed to the mobile food establishment, except one accessory sandwich board sign may be allowed with approval by the Village Board. Any accessory sandwich board sign shall not exceed four feet in height and twelve square feet in area (combined sides). Sandwich board signs shall be located within ten feet of the mobile food establishment and positioned in a way which does not obstruct pedestrian or vehicle circulation.
- (n) Mobile food vending hours on public property and public rights-of-way are from 8:00 a.m. to 9:00 p.m. (Sunday through Thursday) and from 8:00 a.m. to 10:00 p.m. (Friday and Saturday). The mobile food establishment must be closed, the area cleaned and the mobile food establishment removed by the time specified. Mobile food vending hours are not restricted on private property locations.
- (o) Nothing in this chapter shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours or parking, except as specifically provided in this chapter. 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.
- (p) Mobile food vendors shall keep the area clean and free from litter, garbage and rubble and debris at all times. They shall maintain at least one leak proof container for the deposit of waste, garbage, litter and refuse. When leaving the vending area, the mobile vendor shall be responsible for the removal of all litter resulting from its operations.

#### 4. LICENSE APPLICATION; BACKGROUND CHECK; DENIAL OF LICENSE.

- (a) Application. Any person desiring to operate a mobile food establishment will make written application for a mobile food vending license to the Village Clerk's office. The application for such license shall be on forms provided by the Village Clerk's office and will include all of the following:

1. A completed mobile food vendor application with signature and payment of fees.
  2. If applicable, the applicant shall submit a copy of the current mobile food establishment permit issued by the Wisconsin Department of Health Services.
  3. The applicant shall provide a mobile food vendor business plan addressing the location of the mobile food establishment, hours of operation, proposed signage, proposed seating areas, sanitation, pedestrian and traffic safety, including the following standards:
    - a. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian/vehicle conflicts or pedestrian safety hazards or impede building ingress/egress.
    - b. The proposed plan will not create any significantly adverse impacts on neighboring properties as a result of:
      - i. The accumulation of garbage, trash or other waste.
      - ii. Noise created by operation of the equipment.
      - iii. Light and glare.
      - iv. Odors and noxious fumes.
      - v. The proposed plan will not be detrimental to the public health, safety or general welfare.
  4. No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be submitted at the time of application if the vendor wishes to operate on private property.
  5. All vehicles must pass inspection by the Palmyra Fire Department. A copy of a passing inspection report must be submitted prior to approval of the application.
  6. In the case of a mobile food vehicle, a valid copy of proof of registration for the vehicle and driver's licenses for all operators and proof of insurance.
  7. Copy of a valid Wisconsin seller's permit.
  8. A photograph of the mobile food equipment.
  9. The name, address and phone number of the primary applicant, together with the name, address and phone number of all individuals who will be operating a mobile food equipment.
  10. Any additional information deemed necessary by the Village 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) Background Check. 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 Village Clerk may refuse to register the applicant if any of the following is determined:

1. The application contains any material omission or materially inaccurate statements;
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 the application.

(c) Denial of License. Any person denied a mobile vending license may appeal the denial to the Village Board by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The Village Clerk or the Village Clerk's designee will notify the applicant, at least 48 hours prior to the Village Board meeting, of the time and place of such hearing.

5. TIME LIMITS AND TRANSFER.

(a) A mobile food establishment can obtain a seasonal permit that is valid from June 1 to August 31 or an annual permit that is valid from June 1 to May 30. Fees for said permits shall be paid according to the schedule of fees as approved annually by the Village Board, Applications for renewals shall be handled in the same manner as original applications.

(b) A mobile food vending license is valid for one mobile food establishment only and is not transferable.

6. SUSPENSION AND REVOCATION.

Refer to Section 12.02(12) of this chapter.

7. VIOLATIONS AND PENALTIES.

Refer to Section 12.20 of this chapter.