

ORDINANCE #24-02

An ordinance creating a new Chapter in the City of Alma's Code of Ordinances entitled, "**Chapter 113: Mobile Food Vendors**"

Section

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§ 113.01 Definitions

As used in this chapter, the following terms shall have meanings as defined:

Mobile Food Vehicle

A commercially manufactured, self contained mobile food unit including trucks, carts, and trailers, from which food or beverage is prepared, processed, dispensed, or sold to the consumer.

Mobile Food Vehicle Vendor

The owner or operator of a mobile food vehicle or pushcart: herein referred to as "vendor".

Pushcart

A non-self propelled wheeled cart specifically designed for storing food or beverage for sale by the vendor.

§ 113.02 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 within the City of Alma without first having obtained a valid mobile food vending license as prescribed in this article.

- 1 Provide any service from a mobile food vehicle or pushcart.
- 2 Sell, serve, or distribute food or beverage from a mobile food vehicle or pushcart.
- 3 Cook, wrap, package, process, or otherwise prepare food or beverage in a mobile food vehicle or pushcart.

§ 113.03 Parking requirements

- A. No person shall park or cause to have parked a mobile food vehicle or pushcart between Pine St. and Walnut St. on Hwy 35. Vendors may operate outside this prohibited area provided they comply with all other regulations within this ordinance. Mobile food vendors are not allowed to park within 1000 feet of a non-profit organization currently involved in the sale of food or beverage without written consent of a principal representative of the non-profit organization.
- B. Mobile food vendors shall not park or conduct business in residential neighborhoods. Exceptions: 1) An area no more than 100 feet to the North or South of the Courthouse Annex on 2nd St. 2) Danzinger Winery Parking lot. 3) Special event permits may be issued for mobile food vendors to operate during special events such as but not limited to: Fire in the Shire, Music and Arts Festival, River Street Dance, etc.
- C. All vendors will abide by all parking and traffic laws, ordinances, and rules of the road at all times with the exception of any mobile food unit that is too long to be parked in a single parking stall, may occupy the stalls necessary as long as all other rules are abided by.
- D. Mobile food vendors must maintain a minimum distance of five (5) feet from the vehicle to the edge of any building. Mobile food units shall be parked within eighteen (18) inches of any curb to insure that roadways remain accessible to regular traffic. Pushcarts must be placed in such a location to allow a minimum of five (5) feet from any building or permanent structure. Food and beverage shall only be served or sold on the sidewalk side of the mobile food vehicle.
- E. Mobile food vendors shall be allowed to park in any city owned parking lot provided all other provisions within this chapter have been met. Mobile food vendors are not allowed to conduct business in Reick's Park or Buena Vista Park.

§ 113.04 Utilities

Mobile food vendors or pushcarts shall not connect to any public utility pole, power source, water, or sewer without expressed written approval of the City Clerk's office or the Mayor. If the mobile vehicle is equipped with a generator, it must be maintained in factory condition with a properly operating muffler for noise reduction.

§ 113.05 Hours of operation

Mobile food vendors are permitted to conduct sales from 7:00 a.m. to 9:00 p.m. Sunday through Thursday and 7:00 a.m. through 10:00 p.m. Friday and Saturday. Mobile vendors may begin preparations necessary for sales at 6:00 am without the use of generators or machinery. Nothing in this ordinance is deemed to supersede or repeal any ordinance as it relates to excessive noise, parking, or park closing hours.

§ 113.06 Licensing

A Any person desiring to operate a mobile food vehicle or pushcart will make a written application for a mobile vendor's license to the office of the City Clerk. The application will include the following information:

- 1 Name, signature and address of each applicant.
- 2 Description to include make, model, license plate number, and VIN number of the mobile vehicle or detailed description of the pushcart.
- 3 A valid copy of all necessary licenses, permits, or certificates as required by the State of Wisconsin and the County of Buffalo.

B Upon receipt of the application, the City Clerk in conjunction with local law enforcement will conduct a background check and investigation to ensure that the information contained on the application is complete and truthful. The City Clerk may refuse to issue the permit if any of the following exist:

- 1 The application is found to contain omissions or inaccuracies.
- 2 The applicant is found to have been convicted of a crime, statutory violation, or ordinance violation within the past three (3) years, the nature of which is directly related to the fitness of the applicant to conduct sales to the public.
- 3 Each mobile food vending license will expire on June 30 of each year.
- 4 A mobile food vending license is not transferable from person to person.
- 5 A mobile food vending license is not transferable from vehicle to vehicle.
- 6 The mobile food vending license shall be prominently displayed at all times.
- 7 There shall be no fee for the City of Alma permit.

§ 113.07 Suspension and Revocation

A mobile food vending license may be suspended or revoked by the City Clerk's office or local law enforcement if it later found that the license was obtained after supplying false information or omissions on the application. Suspension or revocation may also occur if the operator is in violation of any rules as set forth in this chapter on two or more occasions. Notice of suspension or revocation shall be served in person and will include a statement of the violations

on which the suspension or revocation is based. Appeals may be made to the Finance, Tax, and Licensing Committee.

§ 113.08 Violations and Penalties

A Any person violating any provision of this ordinance shall be subject to forfeitures and penalties contained in 111.99

B Local law enforcement and the Department of Public Works shall have the authority to remove or cause to be removed any vending equipment or merchandise found on the street, sidewalk, terrace, or other public location, found to be in violation of any regulations established hereto or having been abandoned. In addition to any forfeiture, the violator will be liable for any removal, towing, and storage charges incurred by the City of Alma.

Duly adopted this 11th day of April, 2024 by the Common Council of the City of Alma with 6 members voting aye and 0 members voting nay by roll call vote.


Acting Mayor Gary Jepsen


Linda M. Torgerson, City Clerk

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