

License and Fees Committee Meeting Agenda
City of Superior, Wisconsin

Monday – June 12, 2017
1:00 p.m. Government Center – Conference Room 204

June 5, 2017

Roll Call

Selection of Committee Chair and Vice Chair

1. Request from Mayor Paine to consider an ordinance licensing/regulation Mobile Food Vendors.

Adjournment

c:

Mayor
City Council
City Attorney
Planning Director
Chief Alexander
Lindsey Jacobson, BID

Shelley Nelson (email)
Post - 2
Library – Please Post (faxed)

In compliance with Wisconsin Open Meetings Law, this agenda was:
Posted at: Government Center, Courthouse, & Public Library
Media & mailing list notified: June 5, 2017

DRAFT~~~

The Common Council of the City of Superior, Wisconsin, do ordain as follows:

ARTICLE MOBILE FOOD VENDORS

Sec. Definitions

The following definitions apply to this article.

Curbside: on the sidewalk/pavement adjacent to the street that is bordered by a curb.

Mobile Food Vending Vehicle: a truck or trailer specifically designed and used for cooking, keeping, storing, or warming food or beverages which are for sale by a vendor which may move under its own power or may be towed by a vehicle. Mobile food vehicles do not include vehicles that are used solely to transport or deliver food or a common carrier regulated by the state or federal government.

Mobile Food Vendor: the owner of a mobile food vending vehicle or cart, hereinafter referred to as “vendor”.

Mobile Food Cart: a bicycle cart or wheeled pushcart specifically designed and used for keeping, storing, or warming food or beverages which are for sale by a vendor which may be moved by one person.

Sec. License Required; Application

(a) It shall be unlawful for any person to do any of the following within a public right-of-way, or from private property open to the public, in the City of Superior without first having obtained a valid mobile food vending license as prescribed in this article:

- (1) Operate a mobile food vending vehicle or cart;
- (2) Serve, sell or distribute food from a mobile food vending vehicle or cart;
- (3) Cook, wrap, package, process or portion food in a mobile food vending vehicle or cart for service, sale or distribution.

(b) Any person desiring to operate a mobile food vending vehicle or cart shall make written application for a mobile food vending License to the City Clerk's office. The application shall be on the form provided by the City Clerk's office and shall include the following:

- (1) The name, signature, and address of each applicant and each member or officer of a corporate applicant.
- (2) A description of the mobile food vending vehicle or cart, including the make, model, VIN number and license plate for mobile food vending vehicles.
- (3) A valid copy of all necessary licenses, Licenses or certificates required by Douglas County, the State of Wisconsin or any subsidiary enforcement agencies or departments thereof. The Douglas County Health Department may honor food licenses received from a different jurisdiction, however reserves the right to perform its own inspection if warranted.
- (4) A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the License. Mobile food vending vehicles shall furnish and maintain such public liability insurance

coverage of not less than \$1 million and Mobile food carts shall furnish and maintain not less than \$250,000.

(5) Any additional information as deemed necessary by city staff.

(6) The City reserves the right to conduct a background check of the applicant.

Sec. License Fees and Conditions

(a) All mobile food vendors shall pay an annual license fee as established by the Common Council.

(b) Licenses shall expire on XXXX of each year.

(c) The license is not transferable from person to person or mobile vending vehicle or cart to mobile vending vehicle or cart.

(d) Each mobile vending vehicle or cart shall be separately licensed.

(e) The license must be permanently and prominently affixed to the mobile food vehicle or cart.

Sec. Location Review and Regulations

(a) Mobile food vending vehicles shall be located so as to not: obstruct a public way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Patrons may only be served from the curbside of said mobile food vehicle; service in the street is prohibited. Mobile food vendors are prohibited from conducting business within two hundred (200) feet of an a public entrance of any businesses which is licensed or permitted restaurant by the Douglas County Health Department during the hours the subject business is open to the public, unless written permission is granted by the business.

(b) No person shall park, stop or operate a mobile food vending cart within the City of Superior on a public sidewalk other than in those areas that maintain a minimum 6' wide clear area for safe and efficient flow of pedestrian traffic, and that maintain a distance of at least 100' from the nearest edge of any building comprising a licensed food establishment. Carts are not allowed to be located or serve in the street.

(c) All mobile food vendors shall abide by all parking and traffic laws, ordinances, statutes, rules and regulations at all times. Vendors shall obey any lawful order of a police officer or other designated city official to move to a different permitted location to avoid congestion or obstruction of a public way or remove the vehicle or cart entirely from the public way if necessary to avoid such congestion or obstruction.

(d) The City shall not regulate licensed mobile food vehicle vending and carts in private parking lots so long as the property owner has granted permission and all required licenses are valid. However, the host parking lot must remain in compliance with the zoning ordinance including off-street parking requirements for the host lot, and the mobile food vehicle or cart shall not block required drive aisles.

(e) 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 mobile food vehicle vendor is liable for any violation of this subsection.

(f) No person shall park, stop or operate a mobile food vending vehicle or cart in a location within 500' of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, parade route, special event or civic event licensed or sanctioned by the City is occurring, except when the vendor has obtained permission from the event sponsor. The mobile food vending vehicle or cart also shall not

operate during or within the 2 hours before or after a scheduled, permitted event unless the vendor has obtained permission to do so from the event sponsor

(g) Any power required for the mobile food vehicle located on a public way shall be self-contained and shall not use utilities drawn from the public right-of-way. No power cable or equipment shall be extended at grade across any city street, alley or sidewalk.

(h) All signage must be permanently affixed to the mobile food vehicle or cart. No mobile food vehicle shall use external signage, bollards, seating or any other equipment not contained within the vehicle.

(i) Hours of operation shall be limited to between XX and XX. No approved mobile food vehicle or cart shall be left unattended on a public way nor remain on a public way outside of these allowed hours of operation.

(j) No mobile food vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers such as bells, whistles, or horns while stationary. Ice cream/dessert vendors are exempt from this restriction.

(k) Mobile Food Vendors are responsible for providing trash/refuse receptacles on-site and for removing such receptacles at the conclusion of sales from the mobile vending vehicle or cart. Trash or refuse from the mobile vendor's receptacles shall not be placed in any public or private trash receptacles, including dumpsters, unless owned or leased by the mobile vending vehicle or cart owner.

(l) Mobile food vendors shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing, and/or unnecessary noise or any noise of such character, intensity and duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

Other Considerations:

License Fee: _____

License Period: Jan – Dec or July – June

Prohibited from operating in residentially zoned districts. Mobile ice cream vendors may conduct business within residential districts from the public right-of-way, while adhering to all other operational regulations of this changer

Applicant must provide Driver's license, Copy of required food license from the Douglas County Health Deaprtment, Wisconsin Seller's ID

Times of operation...different for public vs. private property?