

RESOLUTION
Town of Grand Rapids
Wood County, Wisconsin

RESOLUTION NO: 2018-15
Re: Ordinance No. 70 – Licensing and Regulation

The Town Board of the Town of Grand Rapids, Wood County, Wisconsin,
RESOLVES as follows:

Ordinance 70 – Licensing and Regulation Code is hereby adopted as presented.

The Town Board of the Town of Grand Rapids, Wood County, Wisconsin, has the specific authority under Chapters 60 and 66 of Wisconsin Statutes, and specifically § 60.22, Wis. Stats. to amend this ordinance.

The Ordinance has been created to include the following:

70.1 – MOBILE FOOD VENDING

A. DEFINITIONS.

The following words, phrases and terms wherever they occur in this Ordinance section, shall be interpreted as herein defined:

1. **Fixed Food Establishment:** shall mean a restaurant or food establishment where food is prepared or served that is a permanent fixed location.
2. **Mobile Food Vehicle:** shall mean a self-contained, moveable food unit, including vehicles, carts and trailers, where food is prepared, processed, served or sold from, and which periodically or continuously changes location. A Mobile Food Vehicle does not include vehicles that are used solely to transport or deliver food.
3. **Mobile Food Vendor:** shall mean the owner of a Mobile Food Vehicle, hereinafter referred to as "Vendor."

B. MOBILE FOOD VENDING LICENSE REQUIRED.

1. It shall be unlawful for any person to operate a Mobile Food Vehicle within a public right-of-way, on public property, or from private property open to the public in the Town of Grand Rapids, without first having obtained a valid mobile food vending license as prescribed in this Ordinance.
2. No Mobile Food Vending License shall be required and no fee shall be charged for any person or organization vending within an event location area upon which a public event licensed or sanctioned by the Town is occurring.

C. MOBILE FOOD VENDING LICENSE APPLICATION.

Any person desiring to operate a Mobile Food Vehicle will make written application for a mobile food vending license to the Town Zoning Administrator's office. The application for such license shall be provided by the Town Zoning Administrator's office.

1. Upon receipt of an application for a mobile food vending license, the Zoning Administrator may conduct a background check of an applicant and any proposed operator of a Mobile Food Vehicle, 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 application. Any such investigation will be completed as soon as practicable. The Town Zoning Administrator may refuse to register the applicant if any of the following is determined:
 - a) The application contains any material omission or materially inaccurate statement.
 - b) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct sales of food.
 - c) The applicant failed to comply with any requirements of local or state agencies directly related to establishment as a mobile food vendor.

2. In review of the application, the Town of Grand Rapids may request additional information of an applicant to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.
3. Any person denied a mobile vending license may appeal the denial to the Town Board by filing a written statement within fourteen (14) days after the date registration was denied, setting forth the grounds for appeal. The Town Clerk 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

D. MOBILE FOOD LICENSE FEES AND CONDITIONS.

1. All Mobile Food Vendors shall pay an annual license fee. The annual license fee for mobile food vendors shall be set by Town policy for said license as per Ordinance 39- "Schedule of Fees and Forfeitures," and must be paid to the Town at the time of application. This fee shall not be prorated.
2. Each mobile food vending license will expire on December 31 of each year.
3. A mobile food vending license is not transferrable from person to person.
4. The mobile food vending license must be permanently and prominently affixed to the Mobile Food Vehicle. A mobile food vending license is not transferrable between Mobile Food Vehicles.
5. A Mobile Food Vending License acquired under this Ordinance may be suspended or revoked by the Town Board upon its finding, after notice to the license holder of the meeting at which suspension or revocation will be considered, that the terms of this ordinance or a permit issued thereunder have been violated. The appeal process under Section 70.1(C)(3) of this Ordinance is available for license holders who have been suspended or revoked under this subsection.

E. APPLICATION FOR PERMIT.

1. Mobile food vehicle vending locations shall be allowed in all areas of the Town (subject to limitations within residential areas). All Vendors will maintain the appropriate distances from crosswalks and curbs. A Mobile Food Vehicle shall be arranged 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. Mobile Food Vehicles are not permitted on any public sidewalk. Mobile Food Vehicle locations are not restricted on private property.
2. 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 food service or sales activity is taking place from the Mobile Food Vehicle. Operators shall 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, when applicable. The Vendor is liable for any violation of this subsection.
3. No person shall park or operate a Mobile Food Vehicle in a location adjacent to or within a two-hundred (200) foot radius of the nearest edge of any building or section of a building comprising a licensed Fixed Food Establishment, 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 owner of the adjacent licensed fixed food establishment.
4. Mobile food Vehicles are allowed adjacent to or within parks within the Town, but shall not be parked or operate in a location adjacent to or within a two-hundred (200) foot radius of the nearest edge of any building or section of a building located in a Town park that sells food or beverages.
5. No person shall operate a Mobile Food Vehicle in a location within two-hundred (200) feet of the event location area upon which a public event licensed or sanctioned by the Town is occurring, except when the Vendor has obtained a permit or otherwise properly obtained permission to do so through a written request submitted to the Town Zoning Administrator.
6. Mobile Food Vehicle shall be prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer, or to any tree or other public amenity. Where applicable, authorization to use any utilities in Town parks may be granted by the Public Works Superintendent. The Vendor is liable for any violation of this subsection.
7. Mobile Food Vehicle vending hours on public property and in public right-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). Mobile food vehicles 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.

- 8. 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.

F. PENALTIES.

- 1. Any person who violates any of the provisions of this Ordinance shall, upon conviction, be subjected to forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" together with the costs of prosecution. Each day of violation shall constitute a separate offense.

This ordinance adopted by a majority of the town board with a quorum present and voting and proper notice having been given, adopts the attached **Ordinance 70 – Licensing and Regulation.**

Motion	For	Against	Abstain	Absent	ACTION TAKEN
_____ Arne Nystrom	[<input checked="" type="checkbox"/>]	[]	[]	[]	<input checked="" type="checkbox"/> Adopted as presented
_____ Bill Clendenning	[<input checked="" type="checkbox"/>]	[]	[]	[]	<input type="checkbox"/> Adopted as amended
<u>2</u> _____ Patty Lumby	[<input checked="" type="checkbox"/>]	[]	[]	[]	<input type="checkbox"/> Rejected
<u>1</u> _____ Dan Paulsen	[<input checked="" type="checkbox"/>]	[]	[]	[]	<input type="checkbox"/> Tabled until _____
_____ Andrew Simon	[<input checked="" type="checkbox"/>]	[]	[]	[]	<input type="checkbox"/> Referred to _____

I, Lisa Dotter, Clerk for the Town of Grand Rapids, hereby certify that the above is a true and correct copy of a Resolution which was adopted on the 10th day of April, 2018 by the Town Board, Town of Grand Rapids, County of Wood.

Dated this 10th day of April, 2018.

By: Arne Nystrom
Arne Nystrom, Town Chairman

By: Lisa Dotter
Lisa Dotter, Clerk