

ORDINANCE NO. 2020-05

AN ORDINANCE CREATING SECTION 22-155 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE ESTABLISHING A MOBILE FOOD VENDOR PERMIT PROGRAM, AMENDING SECTION 50-3(E) PERTAINING TO MOBILE FOOD ESTABLISHMENTS AND DELETING SECTION 50-3(G) AS DUPLICATIVE OF SECTION 50-3(E)

The Village Board of the Village of Union Grove ordains as follows:

1. That Section 22-155 of the Municipal Code of the Village of Union Grove is hereby created to set forth a mobile food vendor permit program, which shall read as follows:

“Sec. 22-155. Mobile Food Vendors.

(a) Definitions.

- (1) “Mobile Food Vendor” or “Vendor” means the owner, owner’s agent or employee of a Mobile Food Establishment within the Village of Union Grove.
- (2) “Mobile Food Establishment” means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer, push cart, or similar portable device which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance. This Ordinance does not intend to regulate home delivery of food or beverage items, nor temporary food/product stands, which may be regulated by a peddler’s permit or by other Village codes.
- (3) “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(b) License Required.

- (1) No Mobile Food Vendor shall serve or sell any Food whatsoever in the Village of Union Grove without first obtaining an approved permit, except for vendors approved by the Greater Union Grove Area Chamber of Commerce for the Farmers Market or from the Village Board or Recreation and Parks Committee for a Special Event.
- (2) In addition, all Vendors shall be licensed for such use by the State of Wisconsin or any other competent Health Department for any mobile

restaurant or Mobile Food Establishment which chooses to operate within the jurisdiction of the Village, in accordance with Sec. 50-3(e).

- (3) An annual permit for operating a Mobile Food Establishment shall be applied for annually. An annual permit, when granted shall be displayed at all times at the Mobile Food Establishment along with the State license. The annual permit shall be valid from July 1 through June 30 of the following year unless the Village Board approves alternative dates. Original applications require approval from the Administration Committee. Applications for renewals shall be submitted at least 15 days prior to July 1 and shall be handled in the same manner as original applications but may be approved by the Village Administrator or his/her designee.
- (4) A daily permit for operating a Mobile Food Establishment shall be applied for at least twenty-four (24) hours in advance of the proposed date and time of operation. A daily permit, when granted shall be displayed at all times at the Mobile Food Establishment along with the State license. Up to five (5) daily permits may be issued to the same vendor within a twelve (12) month period. Daily permits may be approved by the Village Administrator or his/her designee.
- (5) Vendors are allowed to operate on private property with non-residential zoning with written permission from the property's owner and as allowed by the Greater Union Grove Chamber of Commerce for the Farmers Market. Vendors are not allowed on public property or public streets except for special events that have received approval from the Village Board or Recreation and Parks Committee. The permittee may not be located at one location for more than six (6) hours within a 24-hour period. This time restriction does not apply to authorized permits for the Farmers Market or Special Events.
- (6) Mobile Food Establishments must be located at least 100 feet from the front door of any restaurant and outdoor dining area and at least 50 feet from any permitted Mobile Food Establishment location, unless specifically allowed by the Greater Union Grove Area Chamber of Commerce for the Farmers Market or from the Village Board or Recreation and Parks Committee for a Special Event. Additionally, Mobile Food Establishment must be parked at least 15 feet from any fire hydrant, and 5 feet away from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit. These minimum distance requirements are all measured in a straight line from the closest point of the proposed Mobile Food Establishment location to the closest point from the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.

- (7) Vendors must dispose of all waste associated with the Mobile Food Establishment operation. Village receptacles may not be utilized for this purpose. No liquid waste or grease may be poured into any tree pit, storm drain, gutter pan, sidewalk, or any other public space. Grease shall not be released into the Village's sanitary sewer system. All areas within 5 feet of the Mobile Food Establishment must be kept clean.
- (8) Vendors shall not utilize tables, chairs, free-standing signage, or audio amplification in conjunction with the Mobile Food Establishment. All equipment associated with the Mobile Food Establishment must be located within 3 feet of the Mobile Food Establishment and may not be placed within the public rights-of-way. The Greater Union Grove Area Chamber of Commerce, Village Board or Recreation and Parks Committee may allow certain exceptions to this section as part of the Farmers Market or special event.
- (9) Operation. Mobile Food Vendors are allowed to operate in the Village Monday through Sunday between 6:00 a.m. and 7:00 p.m., unless permission to operate outside of these hours is specifically granted by the Village Board or Recreation and Parks Committee for a special event.
- (10) A permit shall be issued to a person or legal entity. A permit shall not be transferable. A permit is valid for one movable vehicle, trailer, push cart, or similar portable device only and shall not be transferrable between devices.
- (11) Any Mobile Food Vendor shall fully and without haste comply with any order of a Sheriff's Department Officer, Fire Department officer, or other Village official to ensure the safety of the public. Failure to comply may result in suspension or revocation of the permit and/or issuance of a citation as allowed by law.
- (12) The number of permits allowed to be issued per year and the fee for a permit as herein provided shall be as set forth and modified from time to time from the Village Board by Resolution.

(c) Application process.

- (1) Any person desiring to operate a Mobile Food Establishment shall apply for a permit and pay the established fee. The application shall be sworn to by the applicant and filed with the Village and shall contain such information as the Village shall require for the effective

enforcement of this section and the safeguarding of the residents of the Village from health risks, fraud, misconduct or abuse.

(d) Violations. In addition to any other remedy, any person who fails to comply with the provisions of this section shall, upon conviction thereof, be subject to the penalties set forth in section 1-11 of this Municipal Code. Each day a violation exists or continues shall constitute a separate offense.”

2. That Section 50-3(e) of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows:

“(e) **Mobile Food Establishments.** A valid Food Establishment permit issued by the State of Wisconsin or any other competent Health Department for any mobile restaurant or mobile retail Food Establishment which chooses to operate within the jurisdiction of the Village will be honored by the Village. The mobile Food Establishment will be required to be inspected by the health department and to satisfy the relevant provisions of Wisconsin Administrative Code Chapter DHS 196 and ATCP 75. In addition, the mobile food establishment shall pay an inspection fee for this inspection.”

3. That Section 50-3(g) of the Municipal Code of the Village of Union Grove be, and hereby is, deleted and the remaining sections of Section 50-3 shall be renumbered accordingly.

4. That this ordinance shall become effective on August 15, 2020 and upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 6th day of July, 2020.

VILLAGE OF UNION GROVE

By: Michael Aimone
Michael Aimone
Village President

Attest: Michael Hawes
Michael Hawes
Village Administrator/Interim Clerk