

ORDINANCE NO. _____

AN ORDINANCE CREATING §22-168 THROUGH §22-173
OF THE VILLAGE OF HARTLAND CODE OF ORDINANCES
REGULATING MOBILE FOOD VENDORS

THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:

SECTION 1: §22-168 through §22-173 of the CODE OF ORDINANCES OF THE VILLAGE OF HARTLAND are hereby created with the following regulating Mobile Food Vendors:

ARTICLE VII. – MOBILE FOOD VENDORS

• **Sec. 22-168 - Definitions.**

(A) "Mobile Food Vendor" or "Vendor" means the owner, owner's agent or employee of a mobile food establishment within the Village of Hartland.

(B) "Mobile Food Establishment" means a restaurant or retail food establishment where food is served or sold from a vehicle, trailer, cart, or similar portable device which may or should be capable of periodically changing locations.

(C) "Food" means all articles used for food, non-alcoholic 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.

• **Sec. 22-169 - License Required.**

(A) No Mobile Food Vendor shall serve or sell any food whatsoever in the Village of Hartland without first obtaining an approved license from the Village Board unless exempted in this section. The following are exempt from Mobile Food Vendor license requirements:

1. Home delivery of food or beverage items.
2. Temporary food stands or produce stands which are regulated by a solicitors' permit, outdoor establishment permit or by other Village codes.
3. Rentals at Village facilities where Mobile Food Establishment services are not available to the public.
4. Where the Mobile Food Establishment is exclusively serving a private event not open to the general public on private property.

(B) All Vendors shall be licensed for such use by the Waukesha County Health Department and all other applicable agencies. Mobile Food Vendors shall acquire the appropriate licenses and

permits for any additional food items not required under this subchapter if deemed necessary by the Waukesha County Health Department.

(C) A license shall be applied for annually. A permit, when granted, shall be displayed at all times by the Mobile Food Establishment. The license shall be valid from the Friday before Memorial Day weekend to October 31, unless the Village Board approves alternative dates. All licenses shall expire on December 31 each year. Applications for renewals shall be handled in the same manner as original applications but may be approved by the Village Administrator or their designee.

(D) Mobile Food Vendors are not allowed to engage in any business activity on the Village streets without approval from the Village Board. They are allowed on private property with written permission and as allowed by the Village Board for the Farmers Market and Special Events. The licensee may not be located on one street or one private property lot for more than 8 hours within a 24-hour period. This time restriction does not apply to Village Board authorized permits for the Farmers Market or Special Events.

(E) Mobile Food Vendors are allowed to operate in the Village Monday through Sunday between 7:00 a.m. and 10:00 p.m.

(F) A license shall be issued to a person or legal entity. A license shall not be transferable. A license is valid for one vehicle only and shall not be transferrable between vehicles.

(G) Any Mobile Food Vendor shall fully and without haste comply with any order of the Police Department Officer or Fire Department officer to ensure the safety of the public. Failure to comply may result in suspension or revocation of the license and/or issuance of a citation as allowed by law.

(H) The number of licenses allowed to be issued per year and the fee for a license as herein provided shall be as set forth and modified from time to time from the Village Board by Resolution.

- **Sec. 22-170 - Application Process.**

(A) Any person desiring to operate a Mobile Food Establishment shall apply for a license and pay the established license and investigation fee. At the time of filing an application, an investigation fee in the amount of the actual cost shall be paid to the Village to cover the cost of investigation of the facts stated in the application. 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 fraud, misconduct or abuse.

(B) Upon receipt of each such application, the Village Administrator or designee shall immediately institute such investigation of applicant's business and moral character as the Village Administrator or designee deems necessary for the protection of the public good, and shall provide recommendation to the Village Board for the application. The Village Board shall

issue with or without conditions, or deny the license in accordance with their findings. In approving a license, the Village Board may impose such conditions as it deems appropriate to protect the public health, safety and general welfare. Subsequent annual renewals of a license may be processed administratively without additional Village Board approval if the conditions of the original license issuance are maintained at the discretion of the Village Administrator or designee.

- **Sec. 22-171 - Application Requirements.**

(A) A completed Mobile Food Vendor Application with signature and payment of fees.

(B) The applicant shall submit a copy of the vehicle inspection report from the Waukesha County Health Department.

(C) The applicant shall provide a Mobile Food Vendor License plan addressing sanitation, pedestrian and traffic safety including the following standards:

1. 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.
2. The proposed plan will not create any significantly adverse impacts on neighboring properties as a result of:
 - a. The accumulation of garbage, trash or other waste.
 - b. Noise created by operation of the equipment.
 - c. Light and glare.
 - d. Odors and noxious fumes.
3. 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. For Village Board approvals granted for the Farmer's Market or Special Events, said conditions of approval shall be filed with the application and incorporated therein.
6. Electrical connections with extension cords to adjacent properties shall be done in a safe manner at the discretion of the Village Building Inspector and with permission of the adjacent property owners.
7. Mobile Food Vendors shall not place tables and chairs in the public right-of-way, or in a manner that inhibits pedestrian or vehicle traffic.

8. Mobile Food Vendors shall be limited to two sandwich board, chalkboard, or whiteboard, in a size not to exceed 24" x 36". Sandwich boards must be located within three feet of the Mobile Food Establishment and not placed in the public right-of-way, or in a manner that inhibits vehicle traffic.

(D) All vehicles may be inspected by the Hartland Fire Department, Hartland Police Department, or Building Inspector at any time.

- **Sec. 22-172 - Revocation or Suspension of License.**

(A) The Village Board may revoke or suspend any license issued under this subchapter for violation by any Vendor or the Vendor's employee or agent of any provision of State law or Village ordinance which renders future vending contrary to the public health, safety or welfare; or for fraud or misrepresentation in solicitation under this chapter. Prior to revocation or suspension, the Village shall send written notice to the address on the license about the concerns or issues and provide 15 days for the Vendor to correct the issue or concern to the satisfaction of the Village. If the concern is not addressed within 15 days from the date of mailing the letter, the Village may place the issue of revocation and or suspension before the Village Board for possible action. The Vendor and/or their agent may appear before the Village Board to present information and respond to the issues of concern. The Clerk shall send written notice to the Vendor at the address on the application about the date and time of the meeting for consideration of the matter. Said notice shall be post marked at least 5 days prior to the Board meeting.

(B) An exception to this process exists in that any Public Health, Hartland Police or Fire Officer may immediately order the Mobile Food Vendor to stop service and the Mobile Food Vendor shall not restart again until deemed safe by the appropriate authority if said public health, Hartland Police or Fire Officer identify an immediate risk to the public health, safety or welfare of the community from the operation of the mobile food vendor.

- **Sec. 22-173 – Violations and Penalties.**

Any person who shall violate any provision of this chapter or any rule or regulation made under this chapter shall be subject to a penalty as provided in § 1-3 of this Code.

SECTION 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

SECTION 3: This ordinance shall take effect and be in full force from and after its passage and publication.

Passed and approved this ____ day of _____, 2022.

VILLAGE OF HARTLAND

By: _____
Jeffrey Pfannerstill, Village President

ATTEST:

Darlene Igl, Village Clerk

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