

ORDINANCE 01-25

ORDINANCE TO CREATE ARTICLE II – MOBILE FOOD VENDORS

THE VILLAGE BOARD of the Village of Albany do ordain as follows:

Chapter 165, Licenses and Permits; Article II – Mobile Food Vendors, Sections 165-6 through 165-11 of the Code of Ordinances, Village of Albany, Wisconsin is hereby created to read as follows:

ARTICLE II – MOBILE FOOD VENDORS

165-6. Definitions.

A. “Food” means 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. “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 other Village codes.

C. “Mobile Food Park” means any parcel that contains two or more Mobile Food Establishments at the same period of time that are operating under approval as a Special Village Event in a non-residential zoning district.

D. “Mobile Food Vendor” or “Vendor” means the owner, owner’s agent or employee of a Mobile Food Establishment operating within the Village of Albany.

165-7. License, Permit and Fee Required.

A. No Mobile Food Vendor shall serve or sell any food whatsoever in the Village of Albany without first obtaining an approved permit, except for vendors approved by the Village Board for a Special Village Event.

B. 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.

C. Annual Permit. A permit for operating a Mobile Food Establishment shall be applied for annually. An annual permit, when granted shall be displayed and visible from the exterior of the Mobile Food Establishment at all times along with the State license. The annual permit shall be valid from January 1st through December 31st unless the Village Board approves alternative dates. Original applications require approval from the Village Board. Applications for renewals shall be submitted to the Clerk's Office and shall be handled in the same manner as original applications but may be approved by the Village Clerk.

D. Daily Permit. A daily permit for operating a Mobile Food Establishment shall be applied for at least seventy-two (72) 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 Clerk. The vendor 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 Special Events.

E. Vendors are allowed to operate on private property with written permission from the property's owner and as allowed by the Village Board. Vendors are not allowed on public property or public streets unless approved by the Village Board. Vendors are not allowed to operate upon the public bike trails.

F. In Village parks, Mobile Food Establishments are only allowed upon issuance of a park rental permit, pursuant to Section 198-5 of Village Code Ordinances for specific park areas designated by the Chief of Police with said approval to include payment of any associated park use or other license fee(s) as determined for each permit.

F. 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 Village Board or Parks Commission 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.

G. 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.

H. Vendors shall not utilize tables, chairs, 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 Village Board may approve and allow certain exceptions to this section.

I. Mobile Food Vendors are allowed to operate in the Village Monday through Sunday between 11:00 a.m. and 9:00 p.m., unless permission to operate outside of these hours is specifically granted by the Village Board for a special event.

J. 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 transferable between devices.

K. Any Mobile Food Vendor shall fully and without haste comply with any order of a Police 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.

L. 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 reviewed on an as needed basis from the Village Board by amendment/resolution.

M. The use of electrical hook-ups within the Village may be used only if and when approved by the Village Board or Public Works Superintendent for a special event. All carts and vehicles must utilize a self-contained power source. Power cannot be drawn from utilities located within the public right-of-way.

N. The vehicle service window shall be oriented to the curb side of the street and not to the front, rear, or travel lane side of the vehicle. Motorized vendor vehicles may set up and operate within spaces including streets and public parking lots as approved by the Village Board.

165-8. Liability Insurance.

Unless covered by the Village umbrella liability insurance policy, all permittees, including

special event vendors, must have adequate liability insurance and shall indemnify and hold the Village of Albany harmless from any or all damages, judgments and claims which may be asserted against the Village by reason of any damages or injuries sustained by any person or to any property unless caused by the sole negligence of the Village. At the time of filing the initial and all renewal applications, an applicant shall provide a true and correct photocopy of a certificate of insurance and/or other proof of insurance for each mobile food establishment to the Village Clerk.

165.9. Application process.

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.

165.10. Exemptions.

(a) Those who operate a permanent business establishment and sell such food product inside a store building or directly outside of their business.

(b) Any person selling agricultural food products which such person has grown, so long as there is no site of sale food preparation

(c) A transient vendor selling a food product from a conveyance for a limited time and possessing a direct seller permit

(d) Any nonprofit organization that conducts an outdoor food stand only at occasional times as approved by the Village Board.

(e) Any village resident under the age of 18 selling water, soda, or any similar beverage only at occasional times from a stand on private property, or within a park with the permission of the Village Board.

This ordinance shall be in full force the day following its passage and official posting.

Dated this 13 day of October, 2025.

Passed this 13 day of October, 2025.

Posted this 14 day of October, 2025.

AYES: 6

NOES: 0

BY:

Michelle Monson
MICHELLE MONSON, Village President

10/13/25
Date

ATTEST:

I, Michelle C. Brewer, clerk in and for the Village of Albany do hereby attest that the above and foregoing is a true and correct copy of the Ordinance adopted by the Village Board of the Village of Albany on October 13, 2025.

Michelle C. Brewer
MICHELLE C. BREWER, Village Clerk

10/13/2025
Date

