

## **Chapter 138**

### **MOBIL FOOD VENDORS**

#### **§ 138-1. Definitions.**

#### **§ 138-2. License Required.**

#### **§ 138-3. Application Process.**

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#### **§ 138-1. Definitions.**

A. In this chapter, the following terms shall have the meanings indicated:

FOOD - 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.

MOBILE FOOD ESTABLISHMENT - 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.

MOBILE FOOD VENDOR or VENDOR - The owner, owner's agent or employee of a Mobile Food Establishment within the Village of Black Creek.

#### **§138-2. License Required.**

A. No Mobile Food Vendor shall serve or sell any Food whatsoever in the Village of Black Creek without first obtaining an approved permit

B. In addition, all Vendors shall be licensed for such use by the State of Wisconsin and/or county health department

C. 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. Daily permits may be approved by the Village Clerk and Village President together.

D. Vendors are allowed to operate on business, municipal or industrial/church property with written permission from the property's owner. Mobile food vending vehicles shall not operate upon or in the public road right of way, public property or public streets except for those that have received approval from the Village Board. Vendors shall not use utilities drawn from the public right of way and no power cable or equipment shall be

extended over any Village street, alley or sidewalk. Location must not be at a location where pedestrian traffic may be hindered.

- E. 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.
- F. Vendors shall provide adequate leak proof trash receptacles on site and shall remove them at the end of each day. Village receptacles including dumpsters may not be utilized for trash disposal. 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. Sites shall be kept clean at all times.
- G. Equipment. Outside sound amplifying equipment shall not be used and Vendor shall not violate Noise Ordinance of the Municipal Code. Vendor shall provide adequate lighting for operation after dark. Such lighting shall be limited to the parcel on which the vehicle is located. Vendors may provide a dining area near the vehicle. All equipment associated with the Mobile Food Establishment may not be placed within the public rights-of-way.
- H. Operation. Mobile Food Vendors are allowed to operate in the Village Monday through Sunday between 9:00 a.m. and 9:00 p.m., unless permission to operate outside of these hours is specifically granted by the Village Board. Alcohol shall not be sold by mobile food vending vehicles.
- I. 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.
- J. Any Mobile Food Vendor shall fully and without haste comply with any order of a Sherriff'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.

### **§138-3. 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

