

**VILLAGE OF FRIENDSHIP
ORDINANCE 2025- 11-3**

Ordinance to Regulate Mobile Food Vending

The Village Board of Friendship enacts the Ordinance that follows:

SECTION 1: Purpose.

The purpose of this Ordinance is to regulate mobile food trucks and vending in the Village.

SECTION 2: Code Sections Affected.

Code sec. 11-3-1 is created.

SECTION 3. Codes Sections as Affected.

A. Code sec. 11-3 is created to provide as follows:

Section 11 – 3. MOBILE FOOD VENDOR

1. Definitions: The following words, phrases and terms, wherever they appear in this section, will be interpreted as herein defined:

a. Fixed Food Establishment.

A restaurant or food establishment where food is prepared or served that is a permanent fixed location.

b. Mobile Food Vehicle.

A self-contained, movable 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.

c. Mobile Food Vendor.

The owner of a Mobile Food Vehicle, hereinafter referred to as "Vendor."

2. Mobile Food Vending License Required.

a. It will 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 Village of Friendship, without first having obtained a valid mobile food vending license as provided in this section.

b. No mobile food vending license will be required and no license fee will be charged for any person or organization vending within an event location area upon which a public event licensed or sanctioned by the Village is occurring.

3. Mobile Food Vending License Application.

a. Any person desiring to operate a mobile food vehicle in the Village will make written application for a mobile food vending license to the Village Clerk. The application for the license will be provided by the Village Clerk's office and will include the following:

- 1) The name, signature, and address of each applicant and of each member or officer of an entity applicant.
- 2) Vehicle description of the mobile food vehicle, including make, model, vehicle identification number (VIN) and license plate.
- 3) A valid copy of all necessary licenses, permits or certificates required by the County of Adams, the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof.

b. Upon receipt of an application for a mobile food vending license, the Village Clerk may conduct a background check of an applicant and any proposed operator of a mobile food vehicle. Any such investigation will be completed as soon as practicable. The Village Clerk may refuse to register the applicant if any of the following is determined:

- 1) The application contains any material omission or materially inaccurate statement.
- 2) 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 pursuant to this section.

iii. The applicant failed to comply with any requirements of local or state agencies directly related to establishment as a mobile food vendor.

c. In review of the application, the Village 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.

d. Any person denied a mobile vending license may appeal the denial to the Village Board by filing a written statement within 14 days after the date registration was denied, setting forth the grounds for appeal. The Village 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.

4. Mobile Food License Fees and Conditions.

a. All mobile food vendors will pay an annual license fee. The annual license fee for mobile food vendors will be set by the Village Board and must be paid to the Village at the time of application. This fee will not be prorated and is nonrefundable.

b. All mobile food vending licenses will expire on June 30 of each year.

c. Mobile food vendors will maintain and provide proof of liability insurance, issued by an insurance company licensed to do business in Wisconsin, for any single accident and for any property damage in the amount not less than \$1,000,000 per occurrence. Such liability insurance will be in effect at all times during the duration of the mobile food license. Proof of current liability insurance, protecting the food truck vendor, the public and the Village from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the license will be delivered to the Village Clerk prior to the issuance of the license. If such insurance is canceled, not renewed, or changed during the duration of the mobile food vending license, the licensee will immediately provide notice to the Village. Failure to maintain such insurance may result in the suspension or revocation of the license.

d. A mobile food vending license issued by the Village is not transferable.

e. The mobile food vending license must be permanently and prominently affixed to the mobile food vehicle. A mobile food vending license is not transferable between mobile food vehicles.

f. A mobile food vending license issued under this article may be suspended or revoked by the Village Board upon a finding, after notice to the license holder of the meeting at which suspension or revocation will be considered, that the terms of this section or a permit issued thereunder have been violated.

5. Mobile Food Vending Location and Operations Regulations.

a. Mobile food vehicle vending locations will be allowed in all areas of the Village. All vendors will maintain appropriate distances from crosswalks and curbs. A mobile food vehicle must 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.

b. A person with a valid driver's license of such a classification to allow the operation of the mobile food vehicle must be with the vehicle at all times that any food service or sales activity is taking place from the mobile food vehicle. Operators must 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 as long as it abides by all other parking restrictions, when applicable. The vendor is liable for any violation of this subsection.

c. No person may park or operate a mobile food vehicle in a location adjacent to or within a one-hundred-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.

d. Mobile food vehicles are allowed adjacent to or within parks within the Village, but will not be parked or operate in a location adjacent to or within a one-hundred-foot radius of the

nearest edge of any building or section of a building located in a Village park that sells food or beverages when such sales are occurring. The Village may regulate the location where mobile food vehicles may locate within Village parks.

e. Mobile food vehicles are 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 Village parks may be granted by the Director of Public Works. The vendor is liable for any violation of this subsection.

f. Mobile food vehicle vending hours on public property and in public right-of-way are from 8:00 a.m. to 10:00 p.m. Mobile food vehicles must be closed, the area cleaned and the mobile food vehicle removed by the later of the time specified or the end of an event. For multi-day events, the end of the event will be the last day of the event. Mobile food vehicle vending hours are not restricted on private property locations.

g. Nothing in this article will 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 or 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.

6. Violations and penalties.

Violations of this section will be subject to the penalty provided in Ordinance Section 15-4, Penalty Provisions.

SECTION 4: Validity.

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same will not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 5: Conflicting Provisions Repealed.

All ordinances in conflict with any provisions of this Ordinance are hereby repealed.

SECTION 6: Effective Date.

This Ordinance will be in force from and after its introduction and publication and as provided by statute.

SECTION 7: Part of Code.

This Ordinance becomes a part of the Village of Friendship Code of Ordinances, Section 11-3.

Adopted September 2, 2025.

By vote: 7 yes 0 no

VILLAGE OF FRIENDSHIP

By: Gerald Sonnenberg
Gerald Sonnenberg, President

By: Rebecca Reuter
Rebecca Reuter, Clerk

Adoption date: September 2, 2025
Publication date: September 10, 2025