

**VILLAGE OF WALWORTH  
WALWORTH COUNTY, WISCONSIN**

**Ordinance 2022-4**

**AN ORDINANCE ADOPTING TITLE 7 CHAPTER 13, MOBILE FOOD  
TRUCKS AND VENDORS, OF THE VILLAGE OF WALWORTH CODE  
OF ORDINANCES**

**WHEREAS**, the Village Board does intend by this Ordinance to make certain amendments to the Village of Walworth Municipal Code.

**NOW, THEREFORE**, the Village Board of the Village of Walworth, Walworth County, Wisconsin, do ordain and adopt as follows:

**SECTION 1:**

To adopt Title 7 Chapter 13, Mobile Food Trucks and Vendors, as follows:

**“Section 7-13-1– Definitions.**

*Designated vending area* shall mean an area determined by the Village on based upon current zoning regulations. The Village Building Inspector/Zoning Administrator shall provide a recommendation as to the proposed location for operation as a mobile food vendor in accordance with this article. Provided, nothing herein shall authorize operation of a mobile food vendor on private property without the express permission of the owner of said property.

*Mobile food truck* shall mean a self-contained food service operation, located in a readily movable, licensed, motorized wheeled vehicle or towed trailer, used to store, prepare, display, and/or serve food and/or drink items intended for individual portion service.

*Mobile food vendor* shall mean any person who travels within the Village, by mobile food truck, or with a non-motorized cart or container or other like object, offering for sale any food and/or drink items, and rendering immediate delivery of such food and/or drink items.

**Section 7-13-2. – License required, application.**

No person or business shall operate as a mobile food vendor in the Village without having first obtained a license therefore as provided herein. All mobile food vendors shall apply for a vendor license for a 12-month period, commencing on January 1 of each year to operate within the Village. Application for such shall be made to the Village clerk upon the prescribed form provided by the same. The application shall include, or be accompanied by, at a minimum the following:

(1) The name of the applicant. If applicant is a separate corporate entity, limited liability company, limited liability partnership, or any other business entity, then the names and address of all parties holding any interest in the entity shall also be provided; and

(2) The name, telephone number, and address of the party responsible for the day-to-day management of the business; and

(3) Names, current addresses, and telephone numbers of any person who will be working in the mobile food truck or in conjunction with a mobile food vendor; and

(4) A copy of any and all health department permit(s) under which applicant will be operating; and

(5) Certificates of insurance showing insurance as required by section 7-13-4(2) below; and

(6) Recent photographs of the proposed mobile food truck, cart, container or any like object for the mobile food vendor, showing at a minimum, the cart, object or mobile food truck's front, rear, and both sides, with service window closed and open, which shall be used for identification verification; and

(7) Proof of lighting so that flashing will be visible at a distance of 500 feet whenever the mobile food truck is stopped on a public way or public property for the purpose of vending. In this proof, a sign on the side of the mobile food truck shall be visible and consist of letter no less than three inches in height, and shall state the name, telephone number of the owners of the vehicle, and an identification numeral distinguishing the vehicle;

(8) Copy of current, valid, registration of the vehicle, trailer, pushcart, or any like object intended to deliver food;

(9) Copies of valid driver's licenses for any person who will be driving the mobile food truck;

(10) A business narrative explaining the operations of the business, including, but not limited to, hours of operations, days of operation, anticipated location of operations, number of employees, any sound amplification which may be used, and any other information which may be requested by the Village in order to make a full and comprehensive evaluation of the application;

(11) If the mobile food vendor is to be located on private property, a detailed site plan; and

(12) All vendors shall include in their application the dimensions of the vehicle, trailer, push cart, or any object used to deliver food;

All applications shall be subject to a completed background check, acceptable to the chief of police, for any and all persons who will be offering food for sale as a part of any mobile food vendor. All applicants shall provide to the Village such information as is requested by the Village for the background check to be completed.

### **Section 7-13-3. – Fee.**

The annual fee shall be \$250.00 per mobile food truck, cart, container or any other like object for the sale and delivery of food by the mobile food vendor.

A single time use on private property fee shall be \$25.00 per mobile food truck, cart, container or any other like object for the sale and delivery of food by the mobile food vendor.

No license or renewal shall be given to individuals who is indebted to the Village for any Village sewer service or other Village services or utilities, fees, fines, judgments, levies or any other debts due and owing to the Village from such person, entity, or otherwise interested party to such requested license, certificate and/or permit, until the indebtedness is paid in full.

**Section 7-13-4. – Vendor requirements.**

All mobile food vendors must hold the following certifications at all times of operation within the Village and documentation of such shall be provided to the Village clerk upon application for a mobile food vendor license, and at any other time upon request by the Village:

- (1) All necessary valid county health department food establishment license.
- (2) Certificates of insurance showing auto liability insurance (if applicable) in the minimum amount of \$1,000,000.00 per occurrence combined single limit and commercial general liability insurance in the minimum amounts of \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate. The Village shall be named as an additional insured.
- (3) Must have a valid state license plate for either a truck or trailer.
- (4) Valid driver's license for any person driving the mobile food truck.

**Section 7-13-5. – Provisions for operations as a mobile food vendor.**

No person shall operate as a mobile food vendor, except in accordance with the following provisions at all times. Failure to do so may result in fines, citations, suspension and/or the revocation of an issued mobile food vendor license.

- (1) Mobile food vendors shall be allowed to operate daily between 7:00 a.m. to 9:00 p.m. (central standard time otherwise provided in this section and/or as provided in any zoning permit or zoning special use permit granted with regards to a mobile food vendor.
- (2) A mobile food vendor may operate at one location for a maximum of eight consecutive hours and may not return to that same location for a minimum of 48 hours upon leaving. Exceptions shall be made for mobile food vendors who operate pursuant to a zoning permit or zoning special use permit issued by the Village with regards to a mobile food vendor. Exceptions regarding operation of a food vendor may also be granted by the Village for special events.
- (3) The mobile food vendors are allowed to operate at designated vending areas on a "first come, first served" basis. Only one food vendor may occupy a designated vending area at a time, unless otherwise authorized by the Village.
- (4) Parking of any other vehicles, other than the vehicle used to tow a mobile food truck trailer, within the designated vending areas during the operation of a mobile food truck is prohibited.

(5) No tents, tables, chairs, or displays shall be placed in the designated vending areas. Notwithstanding the foregoing, one portable sign board, no greater than six square feet in total area, may be placed near the mobile food truck or mobile food vendor.

(6) Noise from mobile food trucks and mobile food vendors, including, but not limited to, generators, public announce systems and music, shall not exceed 75 decibels as measured ten feet from any part of the mobile food truck or mobile food vendor.

(7) The mobile food vendors shall collect all trash and debris resulting from the operation of the food vending, within 100 feet of the designated vending area.

(8) The mobile food vendors operating on private property, shall provide certification or other acceptable proof, upon request by the Village, that the property owner has granted permission for such operation.

(9) Mobile food vendors operating in any designated vending area which is in a public way or other public place shall observe the following provisions:

- a. Double-parking is not allowed;
- b. A mobile food truck shall be parked within 12 inches of the curb if possible, but in no event more than 24 inches from any section of curb. Notwithstanding the foregoing, mobile food vendors vending from carts, containers or other like objects shall not be on any street or roadway and must be on private property or sidewalks;
- c. No portion of the mobile food vendor operations shall block, obstruct or interfere with vehicular, bicycle, or pedestrian traffic;
- d. No portion of the mobile food truck shall be within 50 feet of an intersection;
- e. The mobile food vendor shall be responsible to ensure that no congregation of persons around the mobile food truck, cart, container or other like object, creates an obstruction or safety hazard to passersby, whether vehicular, bicycle, or pedestrian.

(10) A mobile food truck, cart, container or a like object, shall be attended at all times during all posted or advertised operating hours. Temporary closure for the purpose of restocking supplies or otherwise carrying out tasks necessary for continued operation shall be permitted.

(11) Mobile food vendors shall be responsible for the proper disposal of oil/grease, litter, and waste generated by operation.

(12) Mobile food vendors conducting sales shall not utilize extension cords in such a manner as to cross a public right-of-way or sidewalk. Exceptions to this provision may be granted for special events.

(13) Mobile food vendors shall not conduct any major repairs or disassembly of vehicle, tr at the site of operation.

(14) Mobile food vendors shall not operate any closer than 200 feet from any restaurant without first receiving permission from that restaurant.

(15) All mobile food vendors and mobile food trucks shall abide by any and all applicable federal, state, and local laws, ordinances, and regulations, applicable to them.

(16) No permanent structures shall be allowed to be erected on any property in association with a mobile food vendor.

(17) Mobile food vendors shall be located on a paved surface, conform with applicable setbacks and be located outside of any site triangles.

(18) Within 300 feet of any entrance to any grade, junior high or high school or combination thereof while such school is open to students.

(19) Any food vendors shall be compliant with the Department of Agriculture, Trade and Consumer Protection regulations and the Department of Health Services regulations.

(20) All mobile food vendors shall only be permitted to conduct food/beverage sales and shall be prohibited from merchandise sales or other retail sales.

**Section 7-13-6. – Renewals.**

No renewal shall be automatic. Any current licensee seeking a renewal of their license shall file with the Village clerk, by no later than the due date specified in the annual renewal notice letter from the Village, an application for renewal which shall meet all of the requirements of this article and shall be accompanied by the requisite renewal fee of \$250.00. Failure to timely submit an application for renewal shall result in termination of the license at the end of the current licensing period. A late fee of ten percent, or minimum of \$50.00, will be applied to any renewals that are not filed within the requisite time. Failure to receive the annual renewal notice letter from the Village shall not absolve a licensee from having to renew its license prior to its expiration.

**Section 7-13-7. – Violations.**

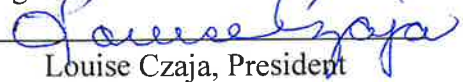
Violations of any provisions of this article shall be punishable by fine and/or suspension or revocation of the license granted hereunder.”

**SECTION 2:**

**Effective Date:** This ordinance shall be in full force and effect upon passage approval, and publication as required by law.

**PASSED AND ADOPTED** by the Village Board of the Village of Walworth, Walworth County, Wisconsin this 12<sup>th</sup> day of December, 2022.

Village of Walworth

By:   
Louise Czaja, President

Attest:   
Lisa Rogers, Clerk/Treasurer