

ORDINANCE 2023-8
AMENDING § 514: PERTAINING TO THE PERMITTING OF FOOD TRUCKS

The Village Board of the Village of Fredonia does ordain as follows:

- 1. That Section 514-1 of the Code of Ordinances be amended to add the text shown in underlining:**

It shall be unlawful for any transient merchant, food truck, direct seller or charitable solicitor to engage in direct sales or solicitation activities within the Village of Fredonia without being registered for that purpose as provided herein.

- 2. That Section 514-2 of the Code of Ordinances be amended to add the following definition:**

FOOD TRUCK

A mobile retail food establishment, or a transient retail food establishment, that prepares, serves, or sells any meals, as those terms are defined by Wis. Admin. Code § ATCP 75.04.

- 3. That Section 514-2 of the Code of Ordinances be amended to alter the following definition by adding the language shown in underlining:**

TRANSIENT MERCHANT

Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received. For purposes of this chapter, the term "transient merchant" shall include direct sellers and solicitors seeking donations or funds for an organization, unless excepted. The term "transient merchant" does not include a food truck.

- 4. That Section 514-10 of the Code of Ordinances be created to read as follows:**

514-10 Food truck registration and regulations.

- A.** Permit required. No person or entity shall make retail sales to the public from a food truck without first submitting a permit application to the Village Clerk, which shall contain the following information:

1. Name, address and telephone number of the person, firm, association or corporation that owns and/or operates the food truck;
2. Name, address, and date of birth of the person who will be responsible for the operation of the food truck within the Village (the "manager");
3. Make, model and license number of any vehicle to be used by the food truck;
4. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's food truck business within the last five years, the nature of the offense and the place of conviction;
5. If known, the location(s) and schedule(s) on which the food truck intends to operate within the Village.

The applicant shall further present to the Village Clerk for examination the applicant's Wisconsin seller's permit, the Manager's driver's license, state identification card, or passport, and a valid food establishment license for the food truck issued by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) or by a Wisconsin local health department acting as an agent to the State.

- B.** The Clerk shall issue the food truck permit, which shall be valid for one calendar year or the remainder thereof, when the applicant has provided all information required by (A) and if all of the following are true:
1. The application contains no material omissions or materially inaccurate statements;
 2. No complaints of a material nature have been received against the applicant in the Village or in any other location where applicant conducted similar business;
 3. Neither the applicant nor the Manager has been 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 operate a food truck; or
 4. The applicant has previously failed to comply with any applicable provision of the Municipal Code.
- C.** Revocation of registration may be had under the procedures set forth in § 514-9. Appeals may be had as set forth in § 514-6.
- D.** No food truck shall conduct retail sales upon private property without the consent of the underlying private property owner.
- E.** No food truck shall conduct retail sales upon private property zoned for residential purposes without first seeking and obtaining any relevant zoning approvals or permits.

- F. No food truck shall conduct retail sales upon a public highway directly abutting a residentially zoned parcel except for (a) sales of pre-packaged single servings of frozen desserts between the hours of 10:00 a.m. and 9:00 p.m. or (b) as may be specifically applied for and authorized in advance by the Village Board and in conformance with such restrictions as the Village Board may impose.

PASSED AND ADOPTED by the Village Board of the Village of Fredonia, Ozaukee County, Wisconsin this 7th day of September, 2023.



Daniel Gehrke, Village President

ATTEST:



Michelle Johnson, Village Clerk

