

ORDINANCE

An Ordinance to create section 11.100 of the Manitowoc Municipal Code regulating Mobile Food Vendors.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 11.100 is created to read as follows:

“11.100 Mobile Food Vendors

(1) Definitions.

Mobile Food Truck shall mean any moveable vehicle, trailer or cart from which food is cooked, wrapped, packaged, processed, portioned, or served for sale.

(2) License Required.

(a) License Required for Operations. It shall be unlawful for any mobile food truck vendor to engage in food truck sales within the City of Manitowoc without being licensed for that purpose. Licenses shall be issued on a calendar year basis.

(b) License Sticker to be Displayed. The City Clerk shall issue a sticker to each licensed mobile food truck, which shall be affixed in a conspicuous place on the mobile food truck. The license sticker shall not be transferrable to any other mobile food truck.

(c) Exception. Food truck vendors solely engaged in food truck sales within a private event not open to the general public need not obtain a license.

(3) License Procedure.

(a) Application. Application for a Mobile Food Truck License shall be made to the City Clerk by the owner upon blank forms furnished by the City Clerk.

(b) Mobile Restaurant License. The Applicant shall submit with the application a photocopy of the Applicant's valid Mobile Restaurant License issued by the State of Wisconsin or an agent Health Department.

(c) Insurance. The Applicant shall submit with the application a certificate of insurance in a form satisfactory to the City Attorney demonstrating that the owner carries liability insurance with limits of at least \$300,000 per occurrence combined single limit bodily injury and property damage issued by a company authorized to do business in the State of Wisconsin. The mobile food truck owner shall immediately notify the City Clerk should the insurance policy lapse for any reason. Failure to do so will result in automatic and immediate revocation of the license.

(c) License Fee. The annual, nonrefundable Mobile Food Truck License fee shall be \$15 and shall be submitted with the application.

(d) Inspection and Background Checks. All applicants for Mobile Food Truck Licenses shall undergo a criminal background check by the Chief of Police or his designee.

(e) Issuance. Following completion of all licensing requirements, the City Clerk shall issue a Mobile Food Truck License to the applicant. Any applicant whose license is denied may appeal such denial to the Finance Committee.

(4) Mobile Food Truck Regulations.

(a) Vending Location. Licensed mobile food trucks may vend from within any lawful parking space, or upon any roadway within the City subject to the parking regulations of that location. Vending may take place within City parks, except that no vending may take place within Citizen Park while the Manitowoc Family Aquatic Center concession stand is open for business. Vending shall not take place so as to obstruct vehicular travel or pedestrian

access. No mobile food truck, accessory tables, seating spaces, or patron queues, may occupy more than a single parking space at any time.

(b) **Safety.** Each mobile food truck operating within the City shall have on board an operable Class K fire extinguisher. All mobile food trucks operating within the City are further subject to applicable local and state regulations and may be subject to inspection by the Manitowoc Fire Department or Manitowoc Police Department any time they are operating within the City.

(5) **Penalties.** Any person in violation of any provision of this section shall forfeit not more than \$500.00 per offense.”

Section 2. The bond schedule for any violations of this section shall be set as follows:
Penalties for any person found to have violated Section 11.010 shall be \$180.00 plus costs..

Section 3. This ordinance shall take effect January 1, 2020.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

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| Fiscal Impact: | Negligible as fees will offset any added cost |
| Funding Source: | 1100-13100-431170 |
| Finance Director Approval: | /SC |
| Approved as to form: | /kmm |

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney

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