

ORDINANCE NUMBER 25-06

AN ORDINANCE TO AMEND CHAPTER ELEVEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED  
"LICENSES AND PERMITS"

THE COMMON COUNCIL OF THE CITY OF WAUPUN, DO ORDAIN:

SECTION 1: Section 11.025 of the Waupun Municipal code entitled "Mobile Food Vehicle Vendors" is amended as follows:

11.025 MOBILE FOOD VEHICLE VENDORS.

(1) DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) MOBILE FOOD VEHICLE: A restaurant or mobile food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location.
- (b) MOBILE: The state of being active, but not necessarily continuous movement.
- (c) EDIBLE GOODS: shall include but are not limited to:
  - 1. Prepackaged and prepared food including, but not limited to, ice cream, hot dogs, desserts, and pizza.
  - 2. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.
- (d) MOBILE FOOD VEHICLE VENDOR: The registered owner of a Mobile Food Vehicle or the owner's agent or employee, or any business which sells Edible Goods from a Mobile Food Vehicle within the city.
- (e) SELL: The act of exchanging a good for profit or in return for a donation.
- (f) VEHICLE: Any motor vehicle or trailer as defined by Wisconsin State Statute. "Vehicle" shall also include any bicycle or other self-propelled device.
- (g) VEND: To sell or to transfer the ownership of an article to another for a price in money.

(2) RESTRICTIONS.

- (a) It shall be unlawful for any person to do any of the following within a public right-of-way or public property in the City of Waupun without first having obtained a valid Mobile Food Vehicle Vendor license as prescribed in this article:
  - 1. Operate a Mobile Food Vehicle;
  - 2. Serve, sell, or distribute food from a Mobile Food Vehicle;
  - 3. Cook, wrap, package, process, or portion food in a Mobile Food Vehicle for service, sale, or distribution.
- (b) All Mobile Food Vehicle Vendors shall abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times.
  - 1. Designated spaces in the Downtown Central Business District Food Truck Alley will be utilized on a first-come-first reserved basis. Fees as outlined in the fee schedule may be waived at the discretion of the City Administrator or their designee for vendors occupying Food Truck Alley designated spaces. Vendors may park on Main Street from Carrington to Drummond Streets, and Madison Street from Jefferson to Franklin Streets subject to compliance with parking regulations. 2-hour parking restriction will be strictly enforced. Vendors that violate the 2-hour restriction will not receive warning prior to being cited.
  - 2. No person shall park, stop, or operate a Mobile Food Vehicle, nor shall any Mobile Food Vehicle Vendor permit any person to park, stop or operate a Mobile Food Vehicle in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the city is occurring, except when the vendor has obtained a permit or otherwise properly obtained permission to do so.

- (c) A person with a valid driver's license of such a classification to allow the operation of the Mobile Food Vehicle shall be with the Mobile Food Vehicle at all times that any activity is taking place in the Mobile Food Vehicle. The Mobile Food Vehicle Vendor is liable for any violation of this subsection.
  - (d) All signage must be permanently affixed to the Mobile Food Vehicle.
  - (e) A Mobile Food Vehicle Vendor may vend, sell, or dispose of goods, wares, or merchandise in the city between the hours of 6:00 a.m. to 9:00 p.m. (Sunday through Thursday) and from 6:00 a.m. to 10:00 p.m. (Friday and Saturday). Mobile Food Vehicles must be closed, the area cleaned, including garbage removal, and the Mobile Food Vehicle removed by the time specified.
  - (f) Mobile Food Vehicle vending hours are not restricted on private property locations.
  - (g) A Mobile Food Vehicle Vendor licensee shall keep the premises in a clean and sanitary condition.
  - (h) Nothing in this article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in this article. Mobile Food Vehicle Vendors shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor 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.
  - (i) All business activity relating to the Mobile Food Vehicle in the public right-of-way shall be conducted from the curbside of the Mobile Food Vehicle at all times.
- (3) LICENSE REQUIRED; APPLICATION; REGULATION.
- (a) Any person desiring to operate a Mobile Food Vehicle shall make a written application for a Mobile Food Vehicle Vendor license to the city clerk's office. The application for such license shall be on forms provided by the city clerk's office and shall include the following:
    - 1. The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
    - 2. A description, including make, model, and license plate of the Mobile Food Vehicle.
    - 3. A valid copy of all necessary licenses, permits or certificates required by either Dodge County or Fond du Lac County, the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof, including but not limited to valid proof of registration for the Mobile Food Vehicle and driver's license for all operators and employees.
    - 4. A signed statement that the Mobile Food Vehicle Vendor shall hold harmless the city and its officers and employees and shall indemnify and hold harmless the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. The Mobile Food Vehicle Vendor shall furnish and maintain such liability insurance as will protect the Mobile Food Vehicle Vendor and the city from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 per occurrence. The City of Waupun must be named as an additional insured and a copy of the Certificate of Liability Insurance provided with the annual application. The policy shall further provide that it may not be canceled except upon 30 days written notice served upon the city clerk. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the city clerk.
    - 5. Any additional information deemed necessary by the city clerk to determine if issuance of a Mobile Food Vehicle Vending license to a particular applicant would be in the best interest of the public.
  - (b) Upon receipt of an application for a Mobile Food Vehicle Vendor license, the clerk or appropriate department may conduct a background check.

- (c) Day event permits expire at midnight of the day for which the permit has been issued. Annual permits expire at midnight one year from date of issuance.
- (d) All Mobile Food Vehicle Vendors licensed under this section shall pay the designated license fee as determined by the Common Council and listed on the official fee schedule.
- (e) Upon renewal of license, each applicant must provide a new application, a renewal fee as set on the fee schedule, and any new permitting documentation upon the license renewal.
- (f) A Mobile Food Vehicle Vendor license is not transferable from person to person or business to business.
- (g) A Mobile Food Vehicle Vendor license is valid for one Mobile Food Vehicle only.
- (h) The Mobile Food Vehicle Vendor license shall be permanently and prominently affixed to the Mobile Food Vehicle.
- (i) Mobile Food Vehicles are not permitted on public sidewalks.
- (j) Mobile Food Vehicle Vendors are allowed in City parking lots only as a part of an approved special event application or upon approval by the City Clerk or their designee. Mobile Food Vehicle Vendors are allowed adjacent to or within City parks, subject to first obtaining the approval of any person, group or organization who has received special event approval, and then only during the time of the event, but shall not park, stop, or operate a Mobile Food Vehicle, nor permit any person to park, stop, or operate a Mobile Food Vehicle in a location to or within a 200-foot radius of the nearest edge of any building or section of a building located in a City park that sells food or beverage without consent of the event organizer.
- (k) The mobile food establishment will be required to be inspected by the City of Waupun fire department for the purpose of ascertaining and causing to be corrected any conditions or any violations of any law or ordinance related to fire and life safety hazards. The mobile food establishment shall pay any applicable inspection fee for this inspection. The City of Waupun Fire Department shall also have the right to conduct on-site inspections when the mobile food vehicle is operational. A certificate of Compliance shall be permanently and prominently affixed to the mobile food vehicle.

(4) VEHICLE REGULATIONS.

- (a) Any Mobile Food Vehicle must be designed and constructed specifically for the purpose of vending food.
- (b) Amplified music or sounds from any Mobile Food Vehicle on public property is not allowed.
- (c) All Mobile Food Vehicle Vendors shall be entirely self-contained in regard to gas, water, electricity, and equipment(s) required for the operation of the Mobile Food Vehicle.
- (d) All Mobile Food Vehicles must have valid license plates and registration as provided by Wisconsin State Statutes.
- (e) No Mobile Food Vehicle may violate any traffic or parking statute or ordinance.
- (f) No flashing or blinking lights, or strobe lights are allowed on a Mobile Food Vehicle or related signage when the establishment is parked and engaged in serving customers.
- (g) All Mobile Food Vehicles shall comply with all Federal, State, and local regulations regarding vehicle size requirements.
- (h) All Mobile Food Vehicle Vendors are prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer, or to any planter or tree or other public amenity, unless parked in a designed Food Truck Alley space providing this amenity. Authorization to use City utilities in City parks may be granted by the Director of Public Works and will be required to pay an additional fee as listed on the fee schedule.


(5) SUSPENSION AND REVOCATION.

- (a) Nothing in this Code shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the article. Mobile Food Vehicle Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general

public nor 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.

SECTION 2: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Adopted this 8th day of July 2025.

  
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Rohn W Bishop, Mayor

ATTEST:  
  
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Angela J. Hull, City Clerk/Treasurer

