

Village of Cottage Grove
Notice of Public Meeting
Ordinance Review Committee

Wednesday, September 30, 2020 @ 5:30 pm

Agenda

Due to the COVID-19 pandemic, this meeting will take place virtually via Zoom. Please join the meeting from your computer, tablet or smartphone by visiting <https://zoom.us/j/92948613576>. You can also participate via phone by dialing 1-312-636-6799 and use Meeting ID: 929 4861 3576#. When asked for your Participant ID, just press #.

You may also choose to participate by providing public comment prior to the meeting via email to the Committee Chairperson, Heidi Murphy at hmurphy@village.cottage-grove.wi.us

1. Call To Order
2. Determination Of Quorum And That The Agenda Was Properly Posted
3. PUBLIC APPEARANCES-Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item
4. Discuss And Consider The Minutes From The August 26, 2020 Meeting.

Documents:

[8-26-20 ORDINANCE MINUTES.PDF](#)

5. Discuss Any Ordinance Edits And Changes Recommended For The Purpose Of Compiling A Prioritized List Of Recommended Ordinance Changes To Submit To The Village Board.
 - a. Chapter 130-Building Construction and Fire Prevention

Documents:

[4A 130-26 BUILDING CONSTRUCTION AND FIRE PREVENTION COTTAGE GROVE.PDF](#)

6. Discuss Any Ordinance Request Forms Received.
 - a. Ordinance Chapter 239 Peddlers, Canvassers and Transient Merchants.
 - b. Ordinance 116-3 Keeping of animals-specifically regarding chickens.

Documents:

[5A1 MEMO REGARDING MOBILE FOOD VENDORS.PDF](#)
[5A2 ORDINANCES REGARDING MOBILE FOOD ESTABLISHMENTS.PDF](#)
[5A3 EXAMPLES OF LICENSE APPLICATIONS.PDF](#)
[5B1 ORDINANCE REVIEW - ANIMAL RESTRICTIONS.PDF](#)
[5B2 ANIMALS ORDINANCE VILLAGE OF COTTAGE GROVE.PDF](#)

7. Future Agenda Items.

8. Set Next Meeting Date.

9. Adjournment

Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call 608-839-4704 at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Village of Cottage Grove Ordinance Committee

DRAFT Minutes

Wednesday, August 26, 2020

1. Call to Order.

- a. Heidi called the meeting to order 5:34PM

2. Determination of quorum and that the agenda was properly posted.

Attendance: Alex Jushchyshyn, Heidi Murphy, Jess Robinson
Absent and excused: Paul Vander Belde, Cara Musick

3. Public Appearances – Public's opportunity to speak about any subject that is not a specific agenda item.

- a. none

4. Discuss any ordinance edits and changes recommended for the purpose of compiling a prioritized list of recommended Ordinance changes to submit to the village Board.

- a. None, for this meeting
- b. next meeting be prepared and focus on Fire, EMS and building codes.
- c. review chapter 36 Emergency Government, for compliance with the new director hire. make recommendations as needed.

5. Discuss and Ordinance Request Forms Received.

- a. no submissions at this time

6. Discuss 2020 Ordinance budget and 2021 budget recommendation

- a. Alex asked when the invoice for the e-code hits the budget.
- b. Heidi recommends keeping the budget for 2021 to \$7,500. Alex and Jess support the recommendation.
- c. Motion by Jess to submit budget of \$7,500, 2nd Alex
Vote: 3 - 0 - 0

7. Review Board Priorities

- a. Heidi reviewed the process for voting from the board, and reviewed the list.

- b. Heidi to ask the Village Board if *Equity, Inclusivity, and Race* and *Sustainability* ad hoc committees are going to be permanent? Does the board want to this committee to create the ordinance to define that committee and how they operate administratively.

8. Approve Minutes

- a. Alex motion to approve, 2nd Jess
Vote: 3 - 0 - 0

9. Future agenda items

- a. See questions from above
- b. Background checks for solicitors and food truck ordinances Chapter 239.
- c. Review Chapter 130. for discussion
- d. Review what the role is of the “Fire Inspector”, Article 2 (1-19)

10. Set next meeting

September 30, 2020, 5:30 pm.

11. Adjournment.

- a. motion to adjourn by Alex , 2nd Jess
Vote: 3 - 0 - 0

Chapter 130. Building Construction and Fire Prevention

§ 130-26. Fire protection within building.

A. Chimney construction.

- (1) Foundations. The foundation of every chimney shall be designed and built in conformity with the requirements for foundations of buildings.
- (2) Every chimney shall be built of brick or other fire-resistive material.
- (3) The walls shall be at least eight inches in solid thickness, except that in a chimney with a flue less than 260 square inches in area and where an approved flue liner is used the wall thickness may be reduced to four inches.
- (4) The top of every chimney shall be at least two feet above the highest point of the roof.
- (5) Plumb and clearance. In no case shall a chimney be corbeled out from a plumb position more than eight inches and in every case the corbeling shall consist of at least five courses of brick.
- (6) Flue liners. The flue liner serving the heating plant shall be standard number one, salt glazed sewer tile with the bell facing upward. The liner shall start from the footing and run for the entire height of the chimney. Each bell shall be caulked with two turns of lead wool and the rest of the bell filled with Portland cement.
- (7) Size of flue. No smoke flue shall be less than eight inches in diameter.
- (8) Piercing of chimney walls. No chimney walls shall be pierced except to permit the entrance of the smoke pipe and the opening for the clean-out door. On heating plant flues this opening shall be salt glazed sewer tile fittings.
- (9) Clean-out door. Every chimney shall be provided with a cast iron or stamped metal clean-out door.
- (10) Wind pressure. Every chimney shall be designed to withstand the following wind pressure in pounds per square foot over the diametrical area:

Type of Chimney	Wind Pressure (pounds per square foot)
Square or rectangular chimneys	30
Round chimneys	20

- B. Design. Every chimney shall be designed throughout in accordance with the requirements of the structural design of buildings and with the best engineering practice in chimney construction.
- C. Prefabricated chimneys. Prefabricated chimneys shall be permitted for use, providing requirements for use shall be in compliance with the State Uniform Dwelling Code.
- D. Oil tanks.
 - (1) Oil supply tanks larger than 60 gallon capacity shall not be located in buildings above the lowest story, cellar, or basement.
 - (2) Unenclosed inside storage tanks and auxiliary tanks shall not be located within five feet of any fire or flame or smoke vent.

- (3) Inside storage and auxiliary tanks shall be securely supported by substantial supports of incombustible material to prevent settling or sliding.
- (4) Oil tanks located inside buildings shall not exceed 275 gallon individual capacity or 550 aggregate capacity in one building unless installed in a special enclosure or casing as provided the Wisconsin Flammable Liquids Code.
- (5) Venting. Vent opening shall not be less than one inch in diameter and shall be provided with a weatherproof hood. Termination shall be outside the building not less than one foot above the fill pipe for domestic oil burners. Vent and fill pipes used in connection with domestic oil burners shall be not less than two feet from any wall opening.

E. Emergency services repository unit required.

[Added 8-5-2002 by Ord. No. 05-2002; amended 9-6-2005 by Ord. No. 10-2005]

- (1) The owner or person in control of the following types of buildings shall install and maintain an approved emergency services repository unit:
 - (a) Any apartment building or other rental building containing four or more residential living units and in which access to a building or to common areas or mechanical or electrical rooms within the building is denied through locked doors.
 - (b) Any nonresidential building where a fire detection or suppression system is monitored by an alarm company or has an external audible alarm.
 - (c) Any facility that is required to have available hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act (SARA Title III).
- (2) Installation requirements.
 - (a) Upon notification the property owner has five months from the date of the date of notice to install the unit. Failure to do so will result in penalties as described in Chapter 1, General Provisions, § 1-19, of the Municipal Code.
 - (b) The repository unit must be located at a height of not less than four feet and not more than six feet above final grade.
 - (c) The repository unit must be located at the recognized public entrance, on the exterior of the structure.
- (3) Repository contents.
 - (a) Keys.
 - [1] Current keys for the following shall be placed in the repository:
 - [a] Main entrance door.
 - [b] Alarm room and control panel.
 - [c] Mechanical rooms and sprinkler control rooms.
 - [d] Electrical rooms.
 - [e] Special key to reset pull station alarms or other fire protection devices.
 - [f] Elevator keys, if required.
 - [g] All other rooms as specified during plan review process.
 - [2] The keys shall be labeled so as to be easily identified in the field.
- (4) Right of appeal. Any property owner may appeal the request for a knock box before the Joint Fire Department Committee.

Memo Date: September 24, 2020
Meeting Date: September 30, 2020

To: Village of Cottage Grove Ordinance Review Committee

From: Heidi Murphy

Re: Ordinance Chapter 239 Peddlers, Canvassers and Transient Merchants

A local business owner attended the September 21st Village Board meeting to express concerns regarding the requirements of Chapter 239 Peddlers, Canvassers and Transient Merchants.

I have put together some information for your packet that includes a Dane County Guide for New Mobile Food Vendors and ordinances and license applications from the following municipalities:

Village of Cottage Grove

Village of McFarland

City of Monona

City of Sun Prairie

Village of Wanakee

Cottage Grove Current Ordinance

Village of Cottage Grove, WI
Thursday, September 24, 2020

Chapter 239. Peddlers, Canvassers and Transient Merchants

[HISTORY: Adopted by the Village Board of Village of Cottage Grove 7-2-1984 as Secs. 7.03 and 7.15 of the 1984 Code. Amendments noted where applicable.]

§ 239-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CANVASSER

Includes any person who goes from house to house, place to place or street to street soliciting or taking or attempting to take orders for the sale of merchandise, including farmers, truck gardeners or the individuals selling their own produce, publications or personal services to be delivered or performed in the future, and includes any person who uses or occupies any place or part thereof within the Village for the primary purpose of exhibiting samples and taking orders for future delivery.

[Amended 11-20-2006 by Ord. No. 12-2006]

PEDDLER

Includes any person who goes from house to house, place to place or street to street selling or offering for delivery merchandise or personal services.

TRANSIENT MERCHANT

Includes any person who engages in a temporary business of selling and delivering merchandise and who uses or occupies any place or part thereof within the Village for exhibition and sale of such merchandise or publications, either privately or at public auction, whether or not such person is associated temporarily with a local dealer, trader, merchant or auctioneer or conducts such business in the name of the same. [Amended 3-19-2001 by Ord. No. 01-2001]

§ 239-2. Applicability.

[Amended 11-20-2006 by Ord. No. 12-2006]

This chapter does not apply to the following: newspaper deliverers; merchants delivering goods on a regular course of business; vendors of milk, bakery goods, groceries or fuel or distributing products to customers at fixed intervals on established routes; religious, charitable, patriotic or philanthropic organizations; persons selling property at wholesale to dealers in such articles; and any disabled ex-soldier licensed under s. 440.51, Wis. Stats. Peddlers, canvassers and transient merchants operating on behalf of or under the auspices of religious, charitable, patriotic or philanthropic organizations, however, shall be subject to the registration requirements of § 239-4 of this chapter and the restrictions of § 239-6A and B of this chapter.

§ 239-3. Application for license.

Applicants for a license under this chapter shall file with the Village Clerk a sworn application in writing on a form to be furnished by the Village Clerk which shall give the following information:

- A. Name (supported by appropriate documentation, such as a driver's license, certified copy of birth certificate or equivalent documents) and physical description of the applicant.
- B. Complete permanent home and local address of the applicant and, in the case of transient merchants, the location from which sales will be made.
- C. A brief description of the nature of the business and the articles or services to be sold.
- D. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship between the applicant and his or her employer. E. The length of time for which the license is desired.
- F. The source of supply of the articles proposed to be sold, or orders taken for the sale thereof, a statement as to where such articles are located at the time such application is filed and the proposed method of delivery. G. Two recent frontal photographs of the applicant showing the applicant's head and shoulders.
- H. The names of at least two property owners in Dane County, Wisconsin, who will certify as to the applicant's good character and business respectability. In lieu of such names, the applicant may supply such other evidence as will enable an investigator to properly evaluate the character and business responsibility of the applicant.
- I. A statement as to whether or not the applicant has been convicted of any crime or violation of a municipal ordinance which is substantially related to the applicant's proposed operations.
- J. The last cities or villages, not to exceed three, where the applicant carried on business immediately preceding the date of application and the addresses from which sales were conducted in those municipalities.

§ 239-4. Registration required.

- A. Peddlers, canvassers or transient merchants operating on behalf of or under the auspices of charitable, religious, patriotic or philanthropic organizations shall file with the Village Clerk a statement of registration in writing on a form to be furnished by the Village Clerk which shall give the following information: name and physical description of the applicant, complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made. The applicant shall also provide a brief description of the nature of the business or articles or services to be sold, the length of time during which the individual will be soliciting, the source of supply of the articles proposed to be sold, a statement as to where such items are located at the time the application is filed, and the proposed method of delivery for the articles.
- B. The Clerk shall, after verifying the information contained on the registration form, issue an identification card to the registrant. No person may commence peddling, transient selling or canvassing without a valid identification card countersigned by the Village Clerk.

§ 239-5. Fees.

At the time of filing the application, a fee of \$5 shall be paid to the Clerk to cover the cost of investigation of the facts stated in § 239-3. The applicant shall also pay the license fee of \$5 per day with the application, except that any business holding a franchise issued by the Village, or any resident of the Village, may obtain licenses valid for six months for a fee of \$20 per person licensed, plus the investigation fee of \$5 per person.^[1]

[1] *Editor's Note: Fees are now set by resolution of the Village Board. The current fee resolution is on file in the office of the Village Clerk.*

§ 239-6. Restrictions.

- A. No license shall be used at any time by any person other than the one to whom it is issued, and every licensee shall exhibit his or her license on his or her person while conducting any solicitation, canvassing or peddling.

- B. No peddler, canvasser or transient merchant shall refuse or fail to leave any premises in the Village upon being requested to do so by the owner, occupant or person in charge thereof.
- C. No business shall be conducted under any license between 8:00 p.m. and 9:00 a.m. the following day or on legal holidays. This subsection does not apply to any business or organization holding a franchise. [Amended 5-20-2013 by Ord. No. 08-2013]
- D. Invitation required. No peddler, canvasser, solicitor or transient merchant shall go in or upon any private residence, business establishment or office in the Village without having been requested or invited to do so by

the owner or owners, occupant or occupants of such premises.

§ 239-7. Revocation of license.

- A. Licenses issued hereunder may be revoked by the Board, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or incorrect statement made in the course of carrying on business as a solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
 - (2) Violation of this chapter.
 - (3) Conducting business in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given by the Village Clerk in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The hearing shall be held before the Village Board. The licensee shall be given at least 48 hours' notice of the hearing before the Village Board.
[Amended 3-19-2001 by Ord. No. 01-2001]

§ 239-8. Violations and penalties.

Any person who violates any provision or any rule or regulation of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19 of this Code.

McFarland Example 1

ARTICLE XII. - MOBILE FOOD ESTABLISHMENTS

Sec. 11-400. - Permit required.

No person shall operate a mobile food establishment in the Village of McFarland without obtaining a permit under this Section.

(Ord. No. 2018-05, 6-25-2018)

Sec. 11-401. - 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:]

Mobile desserts establishment means a mobile food establishment that serves individual portions of ice cream, ice milk, frozen custard, frozen yogurt, dessert mix, sundaes, or other frozen desserts that are prepackaged and totally enclosed in a wrapper or container having been manufactured, prepared or wrapped in a licensed food establishment.

Mobile food establishment means a restaurant or retail food establishment where food is sold to members of the general public from a movable vehicle, push cart, trailer, or boat which periodically or continuously changes location including movable concession stands and similar temporary stations not operating from a permanent building licensed as a restaurant including those designed to operate as temporary food establishments or traveling retail food establishments as those terms are used in Wis. Admin. Code Chap. DHS 196 "Appendix" (the "Wisconsin Food Code"). Mobile food establishment does not include a vehicle which is used solely to transport or deliver food, a common carrier regulated by the state or federal government, or an establishment under hire, contract or special request to provide food service to a private group, organization or business and is not serving to members of the general public provided the establishment is in full compliance with all state and county food and health code requirements. (Ord. No. 2018-05, 6-25-2018)

Sec. 11-402. - Application and fee.

Applications to operate a mobile food establishment unit shall be filed by the owner of the unit with the Village Clerk on a form prescribed by the Village Clerk.

- (a) Such form shall require the following information be provided:
- (1) Name, address and telephone number of the person, firm, association or corporation that owns the unit.
 - (2) Birth date, height, weight, color of hair and eyes of the applicant.
 - (3) The length of time for which the right to conduct business is desired.
 - (4) Physical description, including make, model and license number of any mobile food establishment to be used in the operation of the unit.
 - (5) A statement as to whether the applicant has been arrested or convicted of any crime or ordinance violation as well as the nature of each offense and the place of arrest or conviction, if applicable.
 - (6) The location or locations from which the unit will be operated, including the service base address.
 - (7) Documentation of permission of the property owner.
 - (8) The Zoning District in which the establishment will be located.
 - (9) A copy of the applicant's valid food and beverage license issued by the State of Wisconsin or agent health department.
 - (10) The three locations where applicant conducted business immediately preceding the application including identification of any licenses or permits required and the governmental entity that issued such license or permit.

- (b) At the time of filing the application, the applicant shall present the following to the Clerk for examination:
 - (1) A driver's license or some other proof of identity as may be reasonably required.
 - (2) A photograph approximately two inches by two inches showing the head and shoulders of such person, which was taken no more than one year prior to the application;
- (c) If any persons other than the applicant will be operating the unit without the presence of the applicant, such persons shall also be licensed as operators and the information required in paragraphs (a)(1) through (5) and (b)(1) through (2) shall be provided.
- (d) Permits shall be issued on an annual basis, effective from January 1 through December 31 of the same year, or on a single event basis.
- (e) The permit fee shall be as established by the fee schedule in Appendix A. (Ord. No. 2018-05, 6-25-2018)

Sec. 11-403. - Issuance or denial.

- (a) Upon receipt of a completed application, the village clerk shall refer the application to the police department, or any other applicable village department, to review the application.
- (b) Following review of the application, the village clerk shall issue the license, deny the license, or issue the license with conditions. If issued, the license shall be valid for the calendar year in which it is issued, subject to revocation in Section 11-405. Each calendar year, a person wishing to operate a mobile food business within the village shall obtain a new license.
- (c) Permits issued on a single event basis, if operating as part of a special event permitted under Section 1166 of the Village Code of Ordinances, pursuant to a contract with the special event permittee, shall be effective for the duration of the special event. Single event permits for operations not contractually connected to a special event under Section 11-66 may be effective for a period not exceeding 48 consecutive hours.
- (d) The Village may refuse to issue a license if it is determined that:
 - (1) The application contains material omission or materially inaccurate statement.
 - (2) Complaints of a material nature have been received against the applicant in cities, villages or towns in which the applicant conducted similar business.
 - (3) Subject to applicable state statutes, the applicant has been arrested or convicted of a crime, statutory violation, or ordinance violation.
 - (4) The applicant failed to comply with any applicable provision of Section 11-405. In the Village's sole discretion, there is a public safety, health or general welfare reason or reasons that support denial of the license.

(Ord. No. 2018-05, 6-25-2018)

Sec. 11-404. - Revocation.

- (a) A mobile food business license may be revoked by the Village after notice and hearing if the licensee:
 - (1) Made any material omission or materially inaccurate statement in the application for license.
 - (2) Made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in sale of food, drinks, or materials incidental to food or drinks.
 - (3) Violated any section of this article, including, but not limited to, Section 11-405.

- (4) Subject to applicable state statutes, the licensee was arrested or convicted of a crime, statutory violation, or ordinance violation.
- (b) Written notice of the hearing shall be served personally on the licensee at least 72 hours prior to the time set for the hearing. The notice shall contain the time and place of the hearing and a statement of the facts upon which the proposed revocation of the license is based.

(Ord. No. 2018-05, 6-25-2018)

Sec. 11-405. - Regulations.

Mobile food establishment units operating within the Village of McFarland shall comply with all of the following:

- (a) Mobile food establishments shall comply with all state and county food and health code requirements applicable to the unit and related food and beverage license.
- (b) All state, county and Village of McFarland permits shall be conspicuously displayed on the mobile food establishment while in operation.
- (c) Mobile food establishments may operate from any space on private property where permitted by the property owner and which does not otherwise create a traffic hazard provided the zoning regulations applicable to the property do not limit the property to residential and related incidental or accessory uses.
- (d) Mobile food establishments may operate from space on public property including parks with permission from the Village upon review and recommendation of the Public Works Department.
- (e) Mobile food establishment units shall not obstruct any public street, sidewalk, trail access or visibility of cross walks, street corners, driveways or intersections and operators shall take affirmative steps to direct unit customers waiting for service to refrain from causing any such obstructions.
- (f) Mobile food establishments shall provide a minimum ten-foot clearance on sidewalks and rights-of-way for pedestrian access and traffic.
- (g) Mobile food establishments, when operating in the public right-of-way shall serve and dispense food products toward the sidewalk or terrace area immediately adjacent.
- (h) Mobile food establishments shall not place seating within the public right-of-way for consumer consumption of products.
- (i) Mobile food establishments shall operate only between the hours of 7:00 a.m. and 9:00 p.m.
- (j) Mobile food establishments shall keep the area clean and free from litter, garbage, refuse and debris at shall provide at least one leakproof container for the deposit of waste. Mobile food establishment oper required to remove or otherwise properly dispose of all waste, litter or garbage generated by their oper patrons on a daily basis including that which may be reasonably seen from the location of operation on otherwise not in a proper disposal container.
- (k) Mobile food establishments shall not connect to any public source of electricity, water or sewer.
- (l) Mobile food establishments shall not use any public property such as light poles or other utility poles, flower planters, trees or other amenities to attach any ropes, posters, signs, electrical cords or other objects used in its operations.
- (m) A licensed mobile food establishment operator must be present at all times when the unit is in operation.

- (n) All mobile food establishment units must have signage posted, in lettering not less than three inches in height, in plain view to all patrons that provides the name of the operator and a valid telephone number.

(Ord. No. 2018-05, 6-25-2018)

Sec. 11-406. - Exemptions.

No fee shall be required for a mobile food establishment operating as identified in this subsection. Notwithstanding this subsection, mobile food establishments shall comply with all of the regulations set forth in subsections (3) and (4) unless the regulation is inconsistent with any approval granted by the Village of McFarland for the authorized event triggering the exemption. Mobile food establishments exempt from the fee requirement of this section are those mobile food establishments:

- (a) Operated by tax-exempt, non-profit organizations granted exemption under Section 501(c)(3) of the Internal Revenue Service Code or other educational institutions, churches, religious, educational or benevolent associations or youth organizations operating not for profit for local benefit for the area including, but not limited to, the Village of McFarland, to raise funds for such purposes; or operated by the Village of McFarland.
- (b) That are mobile desserts establishments provided they apply for and receive a direct sellers permit under Chapter 11, Article IV of the Village Code of Ordinances.

(Ord. No. 2018-05, 6-25-2018)

Monona Example 2

*City of Monona, WI
Thursday, September 24, 2020*

Chapter 404. Transient Merchants

[HISTORY: Adopted by the Common Council of the City of Monona 1-19-2016 by Ord. No. 1-16-674. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative review — See Ch. **7**.

Pawnbrokers and secondhand dealers — See Ch. **328**.

Weights and measures — See Ch. **457**. Garage sales — See § **480-12**.

§ 404-1. License required.

It shall be unlawful for any transient merchant to engage in sales within the City of Monona without being registered and receiving a transient merchant's license for that purpose as provided herein. All licenses granted under this chapter shall be valid from the date of issuance through December 31 of the current year. Licenses may be renewed annually and expire on December 31 of each year.

§ 404-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION

Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

CHIEF OF POLICE

The City Chief of Police or his/her duly appointed officer.

CLERK

The City Clerk or his/her duly appointed agent.

FOOD

A raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

MERCHANDISE

Includes personal property of any kind and shall include merchandise, goods or materials provided incidental to services offered or sold.

The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

MOBILE FOOD ESTABLISHMENT

A transient merchant who serves or sells food intended for human consumption from a movable vehicle, pushcart, trailer, boat or temporary structure, which periodically or continuously changes location.

PERMANENT MERCHANT

One who, for at least one year prior to the consideration of the application of this chapter to said merchant: a) has continuously operated an established place of business in Dane County; or b) has continuously resided in Dane County and now does business from his/her residence.

SERVICE BASE

An operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

TRANSIENT MERCHANT

One who engages in the sale of merchandise at any place in the City of Monona temporarily, and who does not intend to become and does not become a permanent merchant of the City. For purposes of this definition, "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. "Transient merchant" shall also include any one engaged in the sale of food, ice cream, candy, beef or other merchandise out of a vehicle.

§ 404-3. Exemptions.

The following shall be exempt from all the provisions of this chapter:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling goods at wholesale to dealers in such goods;
- C. Any person selling agricultural products which such person has grown;
- D. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in his/her regular course of business;
- E. Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis and in which the buyer has initiated contact with, and specifically requested, a home visit by said person;
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;

- H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under § 202.12, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under § 202.12, Wis. Stats., or which is exempt from the statute's requirements, shall be required to comply with this chapter;
- J. Any person who claims to be a permanent merchant, but against whom a complaint has been made to the Chief of Police or Clerk that such person is a transient merchant, provided that there is submitted to the Chief of Police or Clerk proof that such person has leased for at least one year or purchased the premises from which he/she has conducted business in the City for at least one year prior to the date the complaint was made;
- K. Any individual licensed by an examining board as defined in § 15.01(7), Wis. Stats.;
- L. This chapter does not apply to transient merchants while doing business at special events authorized by the Common Council;
- M. Any group or individual selling merchandise for the primary purpose of raising funds for a public or private school engaged in the education of children from kindergarten through high school or any extracurricular group affiliated with such a school;
- N. Any family member holding an estate sale of the personal property of a deceased member of his/her family;
- O. Any individual holding a garage sale as provided by § **480-12**;
- P. Any individual engaged in proselytizing, canvassing or pamphleteering regarding political or religious views and not selling any merchandise or soliciting any funds or services.

§ 404-4. Application.

- A. Information. Applicants for a license must complete and return to the Clerk an application form furnished by the Clerk, which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any.
 - (2) Copy of a current driver license or other form of identification that includes a photograph of the applicant.
 - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by or whose merchandise is being sold.
 - (4) Temporary address and telephone number from which business will be conducted, if any.
 - (5) Documentation showing that the applicant has permission to be at that location.
 - (6) Nature of business to be conducted and a brief description of the merchandise, and any services offered.
 - (7) Proposed methods of delivery of merchandise, if applicable.
 - (8) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business.
 - (9) Most recent cities, villages, towns, not to exceed three, where applicant conducted his/her business.
 - (10) Place where applicant can be contacted for at least seven days after leaving this City.
 - (11) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.
 - (12) Mobile food establishments shall provide the following additional information:
 - (a) A description of all food to be offered for sale; (b) The location(s) where business will be conducted;
 - (c) The dates and times business will be conducted.

(d) The address of the service base from which the operation will be supported.

B. Documentation. Applicants shall include with the applications a true and complete copy of the following:

- (1) A state-issued driver's license or other proof of identity containing a photograph of the applicant.
- (2) A state certificate of examination and approval from the sealer of weights and measures for each device utilized which is regulated by Chapter **457**, Weights and Measures.
- (3) A current valid Wisconsin Seller's Permit.
- (4) A current auto insurance declaration page for coverage in force for the entire license period.
- (5) Applications for mobile food establishments shall also include the following:
 - (a) A current mobile food establishment permit issued by the Wisconsin Department of Health Services or its designated agent;
 - (b) A current service base permit issued by the Wisconsin Department of Health Services or its designated agent;
 - (c) Written consent from the owners of all private property upon which it intends to operate;
 - (d) Proof of liability insurance in an amount no less than \$300,000 per incident.

C. Fee. At the time the application is filed, a fee shall be paid to the Clerk to cover the cost of processing said application. Each and every member of a group must file a separate application form. The fee for a transient merchant's license is nonrefundable and shall be in the amount listed in the City's Fee Schedule.

§ 404-5. Investigation.

- A. Upon receipt of each application, the Chief of Police or his/her duly appointed officer may immediately make and complete an investigation of the statements made in such application.
- B. The Clerk shall refuse to license the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business; 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 selling; or the applicant failed to comply with any applicable provisions of this chapter.

§ 404-6. Appeal.

Any person refused or denied a license may appeal the denial through the appeal procedure provided by Chapter **7**, Administrative Review.

§ 404-7. Regulation of operations.

A. Prohibited practices.

- (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.

- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

B. Disclosure requirements for transient merchants other than mobile food establishments.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
- (2) If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction in accordance with § 423.202, Wis. Stats., and any other provision under the law; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of § 423.203, Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

C. Any transient merchant engaged in the sale of fireworks, as defined in § 238-1, shall fully comply with the provisions of Chapter 238, Fireworks, as well as this chapter.

D. Mobile food establishments. In addition to the provisions of Subsection A, all mobile food establishments operating within the City shall:

- (1) Comply with all applicable requirements of Ch. DHS 196, Wis. Adm. Code.
- (2) Operate only between the hours of 7:00 a.m. and 9:00 p.m.
- (3) Place no seating for consumer consumption of products sold within the public right-of-way.
- (4) Provide a minimum four-foot clearance on sidewalks and rights-of-way for pedestrian access and traffic.
- (5) When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace area immediately adjacent.
- (6) Maintain clear access and visibility of crosswalks and street corners.
- (7) Not connect to any public source of electricity, water or sewer.
- (8) Not use any public property such as light poles or other utility poles, flower planters, trees or other amenities to attach any ropes, posters, signs, electrical cords or other objects used in its operations.
- (9) Keep the area clean and free from litter, garbage, refuse and debris at all times.^[1]
- (10) Maintain at least one leakproof container for the deposit of waste, garbage, litter and refuse. When leaving vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from its operations.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(11) Locations of operation. Mobile food establishments issued a license under this section shall only operate at the following locations:

- (a) Private property. On private property for no more than 120 days per calendar year at the same property, provided the operations do not impair traffic flow or obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas. All operations on private property shall be first approved by the City Planner as consistent with Chapter 480, Zoning.
- (b) Public street. On any public street which has a speed limit no greater than 25 mph, provided it is parked in a legal parking space greater than 200 feet from the property line of any restaurant and removed by 10:00 p.m. each day.

- (c) Other public property. On any public property other than a public street only as specifically approved in writing by the City Clerk and stated on the issued license.

§ 404-8. Records.

The Chief of Police shall report to the Clerk all convictions for violation of this chapter, and the Clerk shall note any such violation on the record of the applicant.

§ 404-9. Revocation of license.

- A. License may be revoked by the License Review Committee after notice and hearing, if the applicant made any material omission or materially inaccurate statement in the application, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the applicant's fitness to engage in selling.
- B. Written notice of the hearing shall be served personally or pursuant to Ch. 68, Wis. Stats.; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.^[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 404-10. Violations and penalties.

Any person adjudged in violation of any provision of this chapter shall be punishable as set forth in § 1-4 of the Code for each violation per day plus costs of prosecution. Each violation shall constitute a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Sun Prairie Example 3

Chapter 5.32 - DIRECT SELLERS, PEDDLERS AND SOLICITORS

Sections:

Footnotes:

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Editor's note— Ord. No. 596, § 1, adopted Apr. 7, 2015, repealed and replaced Ch. 5.32 §§ 5.32.010—5.32.060 in their entirety to read as herein set out. Former Ch. 5.32, §§ 5.32.010—5.32.060, pertained to similar subject matter and derived from: Prior code §§ 7-4-1—7-4-6; Ord. 340, § 1, 1995; Ord. 452, § 1, 1999; amended during 2000 codification; Ord. 147, § 1, adopted June 15, 2004; and Ord. 417, § 1, adopted Dec. 1, 2009. Sections 5.32.070—5.32.090 remain as codified.

5.32.010 - Permit required.

It is unlawful for any direct seller, peddler, mobile food vendor or solicitor to engage in solicitation within the city without first obtaining a permit for that purpose as provided herein.

1. Door-to-Door Salespersons. No person shall engage in door-to-door sales activities within the city of Sun Prairie without first obtaining a permit to do so. A door-to-door sales permit does not authorize a person to engage in outdoor vending.

2. Outdoor Vendor's Permit. Except as hereinafter provided, no person shall engage in outdoor activities within the city of Sun Prairie without first obtaining a permit to do so. A door-to-door sales permit does not authorize a person to engage in outdoor vending.

(Ord. 596, § 1, 4-7-2015)

5.32.020 - Definitions.

In this chapter:

"Applicant" means a person who files an application form with the clerk for the purpose of obtaining a direct seller, peddlers, solicitor or vendor permit.

"Calling at" means to make an appearance in person at a residence or business.

"Charitable organization" means any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such or any religious organization.

"Chief of police" means the city chief of police and/or his or her representative.

"Clerk" means city of Sun Prairie Clerk.

"Door to door solicitor" means a solicitor who is mobile by traveling from residence to residence to conduct business.

"Fixed solicitor" means a solicitor who is conducting his or her business from one location.

"Goods" means personal property of any kind, and shall include goods provided incidental to services offered or sold.

"Mobile food vending unit" means any motorized or non-motorized vehicle, trailer, kiosk, push or pedaled cart, stand, display, carried container, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which food, beverages, goods, wares, or merchandise are being peddled, vended, sold, served, displayed, offered for sale or given away. Mobile vending unit does not include a mobile wholesale delivery unit, a vehicle which is used solely to transport or deliver food, or a common carrier regulated by the state or federal government. An ice cream vendor who is selling ice cream products from a vending vehicle shall be defined as a mobile food vendor.

"Mobile food vendor" means a person who peddles, vends, sells, serves, displays, offers to sell or give away food and/or beverages from a mobile food vending unit located on city streets or rights-of-way.

"Mobile vendor" means a solicitor who travels on city streets, right-of-way, sidewalks, or parking lots to sell his or her product. A mobile vendor sells his or her products from a vehicle, a trailer pulled by a vehicle, a mobile cart, or a handheld unit.⁷

"Nonprofit" means holding the current written determination by the Internal Revenue Service that a person is exempt from federal income taxation.

"Outdoor location" means any place outside of a permanent building. "Outdoor location" includes, but is not limited to, a vehicle, tent or other moveable or temporary structure.

"Outdoor vendor" means any person who offers services, goods, wares, produce, merchandise or personal property of any nature for sale, either for immediate delivery or to be delivered in the future, at a temporary outdoor location but does not engage in door-to-door sales. "Outdoor location" does not include a person who operates a business from a permanent indoor location and who displays his or her

business merchandise on the same tax parcel where the indoor business is located. "Outdoor vendor" does not include a person who engages in an outdoor household sales permitted in residential zoning district by the zoning ordinance.

"Permanent merchant" means a solicitor who, for at least one year prior to the consideration of the application of this chapter to such merchant:

1. Has continuously operated an established place of business in this city; or
2. Has continuously resided in this city and now does business from his or her residence.

"Person" means all humans of any age or sex, partnerships, corporations, associations, groups, organizations, and any other description of a collection of human beings working in concert, or for the same purpose or objective.

"Solicitation" means each and every transaction, activity or conduct, occurring wholly or in part within the city, engaged in by any person who directly or indirectly:

1. Sells;
2. Offers or attempts to sell;
3. Takes or attempts to take one or more sales and/or purchase orders for the later delivery of goods or services; or
4. In any manner requests, asks, solicits, or demands or attempts to request, ask, solicit, or demand anything of value.

"Solicitors" means any individual who, for himself or herself, or for a partnership, association or corporation, sells or buys goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, solicitors, direct sellers, peddlers, transient merchants, door-to-door vendors and outdoor vendors. The sale of goods includes donations required by the solicitors for the retention of goods by a donor or prospective customer.

(Ord. 596, § 1, 4-7-2015)

5. 32.030 - Exemptions.

The following shall be exempt from obtaining a permit, but shall nonetheless be required to comply with all other city ordinances, state and county regulations applicable to direct sellers, peddlers and solicitors:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- B. Any person selling goods at wholesale to dealers in such goods;
- C. Any person selling agricultural products which such person or member(s) of his or her immediate family has grown;
- D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- E. Any person who has an established place or business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, such person;
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior arrangement, with the prospective customer;
- G. Reserved;
- H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;

- I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the city clerk proof that such charitable organization is registered under Section 440.42, Wisconsin Statutes. Any charitable organization not registered under Section 440.42, Wisconsin Statutes, or which is exempt from that statute's registration requirements shall be required to register under this chapter. Except those persons who are not members of the organization and who have been independently contracted by and receive compensation for their solicitation activities from the herein described organizations, these persons are required to obtain a solicitor's permit;
- J. Any person who claims to be a permanent merchant; provided, that there is submitted to the city clerk, proof that such person has leased for at least one year, or purchased, the premises from which he or she is conducting business;
- K. No permit shall be required of any vendor participating in the Downtown Farmer's Market. (Ord. 596, § 1, 4-7-2015)

5.32.040 - Registration.

- A. Applicants for registration must complete and return to the city clerk an application form furnished by the clerk which shall require the following information:
 1. Full name (first, middle, last), permanent address and telephone number, and temporary address and phone number, if any.
 2. Height, weight, gender, color of hair and eyes, date of birth, driver's license number or state issued identification number, and state issuing driver's license or identification.
 3. Name, address, email address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
 4. Street address and telephone number from which business will be conducted, if any.
 5. Nature of business to be conducted and a description of the goods offered, and any services offered.
 6. Proposed method of delivery of goods, if applicable.
 7. Make, model and license number of any vehicle to be used by applicant in the conduct of his or her business, state of vehicle registration.
 8. List of last cities, villages, towns, not to exceed three, with name of contact persons and addresses where applicant conducted similar business, prior to making this application.
 9. Address and phone number where applicant can be contacted for at least seven days after leaving this city.
 10. Statement as to whether applicant has been convicted of any crime, ordinance or statutory violation within the last five years; the nature and date of the offense and the place and date of conviction.
 11. The applicant may be requested to come to the municipal building to pick up the permit or for additional clarification concerning the information received on the application.
 12. A photograph approximately two inches by two inches showing the head and shoulders of such person, which has been taken not more than one year prior to such application.
 13. A copy of any other license or permit required by the State of Wisconsin, Dane County, or the city of Sun Prairie for the applicant's business activity.
 14. If vending is for outdoor sales applicant shall provide a site plan for the location where the unit will be located. The plan shall include a drawing showing the street address, location of unit, signage to be used, traffic and pedestrian flow. The site plan will also state the size of the vending unit and equipment specifications.

15. A mobile vendor applicant will submit a description and specification of the unit the sales will be conducted from. B. In addition to the above requirements outdoor vendors shall also provide the following information:

1. The zoning for the property upon which the outdoor vending activities will occur and a copy of the approved zoning permit, if necessary.
2. Written authorization from a landowner to the outdoor vendor to use the landowner's premises for outdoor vending activities. The authorization document shall give the address of the property and the beginning and ending dates for such authorization.
3. A sign-off of the application document that the applicant has met with and received approval from a member of the city planning department, and that the application complies with city zoning requirements and permits.
4. If the outdoor vendor is to be located in a city park the applicant shall also provide a sign-off of the application document that the applicant has met with and received approval from the recreation and public works directors, and that the application complies with all requirements of that department. C. Applicant shall present to the city clerk for examination and to make copies:

1. A driver's license, state issued ID, or passport as may be reasonably required;
2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
3. A state health officer's certificate where applicant's business involves the handling of food, clothing, humans or animals and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for a permit is made.

D. Permit Registration Fee.

1. At the time the application is returned, the fees shall be paid to the city clerk. The fee for a solicitor's permit shall be: thirty dollars (\$30.00) per week; sixty-five dollars (\$65.00) per month; three hundred dollars (\$300.00) per year. Annual licenses issued on or after July 1 shall be issued for one-half the required fee. In addition to the fees stated, all processed applications will be assessed the actual cost of the background check as incurred by the city.
2. Door-to-door solicitors and mobile vendors must apply for a separate permit for each person.
3. An outdoor vendor may employ one assistant without payment of an additional permit fee. Each person must file a separate application form.
4. If the application is for an outdoor vending permit to be located in a city park the applicant shall pay the registration fee, plus any expenses for additional services for cleanup and maintenance of the location as authorized by the public works director.
5. The permit fee for a mobile food vending unit shall be one hundred fifty dollars (\$150.00) per year. The permit shall be good from January 1 through December 31 of the year for which the permit is granted. A permit is required for each cart. The fee for each mobile food vendor is twenty-five dollars (\$25.00). In addition to the fees stated, all processed applications will be assessed the actual cost of the background check as incurred by the city.
6. Upon payment of such fee, the signing of such statement, and approval from the appropriate departments, the city clerk shall issue the applicant a permit and date the entry. E. Sponsors for Juveniles.
1. No person under the age of eighteen (18) years of age shall be permitted to engage in solicitation activities except as provided in this subsection or as provided as exception under Section 5.32.030.

2. An adult person may act as a sponsor for one or more persons under the age of eighteen (18). The sponsor shall apply for and obtain a permit required by this section before any door-to-door sales, mobile food vending, mobile vending, or outdoor vending activities are engaged in by the juveniles being sponsored. A sponsor shall at the time of application provide the city clerk with a list of the names, addresses and telephone numbers of all juveniles being sponsored. Each sponsor and juvenile sponsored shall complete an application and pay the appropriate fee.
 3. The sponsor shall be responsible for supervising and controlling the conduct of all persons under eighteen (18) years of age in door-to-door solicitation activities under the sponsor's permit. The sponsor shall be liable for payment of any forfeiture violations by the juvenile of any of the terms and conditions of the sponsor's permit, including the regulations and restrictions in this section.
 4. A sponsor shall comply with all requirements of applicable state and federal employment laws, including laws pertaining to the employment of minors.
 5. The sponsor shall require all persons under eighteen (18) years of age to wear such identification as required under this section, so that it is clearly visible at all times when the individual is engaged in solicitation activities.
- F. Requirements for Mobile Food Vending. The following restrictions apply to all mobile food vendors and mobile food vending units operating within the city:
1. All mobile food vending units must comply with the Public Health Madison and Dane County requirements for mobile food establishments.
 2. Food vending units may locate in any legal parking space within a city right-of-way, except on arterial streets or on the same side of the street as residential uses.
 3. Mobile food vending units may not locate within two hundred (200) feet of the property line of a fast-food restaurant or restaurant as defined in Section 17.08.040.
 4. Mobile food vending shall only be permitted between the hours of seven a.m. and nine p.m.
 5. Seating for consumer consumption of products sold is not allowed within the right-of-way.
 6. Mobile food vendors shall provide a minimum four foot clearance on sidewalks and rights-of-way for pedestrian access and traffic.
 7. When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace area immediately adjacent to the food vending unit.
 8. No mobile food vendor shall conduct business within twenty (20) feet of a fire hydrant.
 9. A mobile food vending unit shall maintain clear access and visibility of cross walks and street corners.
 10. No mobile food vendor shall conduct business within three hundred (300) feet of school property during school hours, unless written permission is granted by the school superintendent or other equivalent authority and such documentation is placed on file with the city clerk.
 11. To encourage the integrity, comprehensiveness and success of special events, the Sun Prairie Farmer's Market, or other city approved events, no mobile food vending units shall be permitted on public streets, sidewalks or in any city parks within five hundred (500) feet of the event premises where the city of Sun Prairie has issued a special event permit or other approval during the hours approved for such event, unless the mobile food vending unit is part of the aforementioned event.
 12. Connection of a mobile food vending unit to a public source of electricity, water or sewer is prohibited.

13. No mobile food vendor may use any public property such as light poles or other utility poles, flower planters, trees, or other amenities to attach any ropes, posters, signs, electrical cords, or other objects used in his/her operations.
14. Food vending and adjoining areas shall be kept clean and free from litter, garbage, rubble, and debris at all times. All mobile food vending units shall be equipped with at least one leak-proof container for the deposit of waste, garbage, litter and refuse. All such containers shall be kept covered with tight-fitting lids. When leaving vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from the vending operations.
15. The permittee or other operator of a mobile food vending unit shall be present with the mobile food vending unit at all times during which products are displayed or sold, except that a licensee or other operator may leave his/her vending location and mobile food vending unit unattended during lawful vending hours for a maximum of four hours, provided the mobile food vending unit does not impede pedestrian or vehicular access or traffic.
16. The Sun Prairie Police Department shall have the authority to remove or cause the removal of any food vending equipment, mobile food vending unit, food, beverages, goods, wares or merchandise found on the highway, street, alley, sidewalk, public right-of-way or other vending location in violation of this chapter. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the city as a result.
17. Mobile food vendors, who have obtained a permit through the city of Sun Prairie and obtained written permission from the property owner, may locate on private or public property other than in the right-of-way, up to thirty (30) days per calendar year, provided the mobile food vending unit does not impair traffic flow or obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas. Vendors may operate up to an additional thirty (30) days on private property, but no more than sixty (60) days in total, subject to approval of the property owner and the city clerk.
18. If locating a mobile food vending unit on public property, the permit application is subject to review and approval by the public works and police departments prior to issuance by the city clerk.

(Ord. 596, § 1, 4-7-2015)

5.32.050 - Investigation, approval, denial, suspension or revocation.

Permits issued under this chapter may be approved, denied, suspended or revoked as provided by the provisions adopted from the Wisconsin Statutes.

- A. Police Department. The city clerk shall provide copies of each application for a permit to the chief of police. The chief of police or the chief's designee shall review each application and conduct any other appropriate investigation for the purpose of determining whether, consistent with the police department's responsibilities to the city, the department has any objection to issuance of the requested permits. The chief shall then submit a written recommendation to the city clerk.
- B. Planning Department. The city clerk shall provide copies of each application for an outdoor vendor to the planning director. The planning director or the director's designee shall review each application and conduct any other appropriate investigation for the purpose of determining whether, consistent with the planning department's responsibilities to the city, the department has any objection to issuance of the requested license. The director shall

then submit a written recommendation to the city clerk. The planning director may require the applicant to file an application for any permits, pursuant to city ordinances.

- C. Public Works and Recreation Departments. The city clerk shall provide copies of each application for an outdoor vendor to be located in a city park to the director of recreation and the director of public works departments. Each director or the director's designee shall review each application and conduct any other appropriate investigation for the purpose of determining whether, consistent with the department's responsibilities to the city, the department has any objection to issuance of the requested license. The directors shall retain the right to limit the number and location of vendors in the parks. The directors shall then submit a written recommendation to the city clerk. The applicant will be required to pay the outdoor vending permit fees and also the park use fees.
- D. The city clerk shall not issue a permit if it is determined, pursuant to the investigation above, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years or the applicant failed to comply with any applicable provision of Section 5.32.040(B).
- E. Corrected Applications. If it is determined that the applicant did not complete the application, file the appropriate documents, failed to answer questions in a truthful manner a corrected application may not be filed before a thirtyday period. There will not be a refund of fees paid. After thirty (30) days a corrected application maybe submitted with the appropriate fees.
- F. Reports to Council. If it is determined that the chief of police, planning director, director of recreation, director of public works, city attorney, or city clerk recommends denial of the requested permit, the city clerk shall provide to the common council all reports pertaining to the applicant.

1. Discretion of Council. When recommended for denial, the common council shall review and act upon the applicatio mobile food vendor's permit on the basis of the particular merits of each such application. Nothing in this chapter common council may consider when reviewing or acting upon each such application. (Ord. 596, § 1, 4-7-2015)

5.32.060 - Appeal.

Any person denied a permit may appeal the denial through the appeal procedure provided by ordinance or resolution of the common council, or if none has been adopted, under the provisions of Sections 68.07 through 68.16, Wisconsin Statutes. (Ord. 596, § 1, 4-7-2015)

5.32.070 - Regulation of solicitors.

A. Prohibited Practices.

- 1. A solicitor shall be prohibited from:
 - a. Calling at any dwelling or other place between the hours of sunset and nine a.m. except by appointment;
 - b. Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning;
 - c. Calling at the rear door of any dwelling place;
 - d. Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A solicitor shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his or her visit, his or her identity or the identity of the organization he or she represents. A charitable organization solicitor shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.
3. No solicitor shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
4. No solicitor shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
5. No solicitor shall allow rubbish or litter to accumulate in or around the area in which he or she is conducting business.
6. No solicitor shall damage property.
7. No solicitor shall fail to obey any lawful order of the chief of police or any law enforcement officer.
8. No solicitor shall violate any other city ordinance or state law. B. Disclosure Requirements.
 1. After the initial greeting and before any other statement is made to a prospective customer, a solicitor shall expressly disclose his or her name, the name of the company or organization he or she is affiliated with, if any, and the identity of the goods or services he or she offers to sell.
 2. If any sale of goods is made by a solicitor, or any sales order for the later delivery of goods is taken by the solicitor, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than twenty-five dollars (\$25.00), in accordance with the procedure as set forth in Section 423.203, Wisconsin Statutes; the seller shall give the buyer two copies of a typed or printed notice of the fact. Such notice shall conform to the requirements of Section 423.203(l)(a), (b) and (c), (2) and (3), Wisconsin Statutes.
 3. If the solicitor takes a sales order for the later delivery of goods, he or she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
 4. All solicitors shall wear the issued permit so it is visible to the resident at all times. Furthermore, the solicitor shall provide the license to anyone that requests the permit for closer examination and inspection. (Ord. 658, § 1, 9-20-2016; Ord. 147, § 1, 6-15-2004; Ord. 452, § 1, 1999; prior code § 7-4-7)
5. 32.080 - Records.

The chief of police shall report to the city clerk all convictions for violation of this chapter and the city clerk shall note any such violation on the record of the registrant convicted.

(Ord. 147, § 1, 6-15-2004; Ord. 452, § 1, 1999; prior code § 7-4-8)

5.32.090 - Revocation of registration.

- A. Registration may be revoked by the common council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in solicitation, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

- B. Written notice of the hearing shall be served by certified mail to the last known address as supplied by the applicant at least seventy-two (72) hours prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Note: This section is based on a model ordinance prepared by the Office of Consumer Protection of the Department of Justice. This section conforms with the repeal of Section 440.85, Wisconsin Statutes, and the uniform state plan recommended by the Department of Justice. Religious, patriotic, philanthropic or other organizations currently exempted from registration as charitable organizations under Section 440.41, Wisconsin Statutes, are no longer exempt from registration under this section.

(Ord. 147, § 1, 6-15-2004; Ord. 452, § 1, 1999; prior code § 7-4-9)

Waunakee Example 4

ARTICLE VI. - MOBILE FOOD VENDORS

DIVISION 1. - GENERALLY

Sec. 18-309. - 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:

Mobile food business means any person or business selling food, drinks, or materials incidental to food or drinks from a motor vehicle, trailer, food cart, or similar apparatus.

Person means all human beings, partnerships, corporations, associations, groups, organizations, and any other description of a collection of human beings working in concert or for the same purpose or objective. (Code 1998, § 22-232; Ord. No. 15-2, § 1 (22-102), 2-16-2015)

Sec. 18-310. - Penalty.

In addition to having a license revoked under section 18-114, any person who violates this article shall be subject to forfeiture as provided in section 1-32.

(Code 1998, § 22-238; Ord. No. 15-2, § 1 (22-108), 2-16-2015)

Sec. 18-311. - Exemptions.

The following shall be exempt from this article:

- (1) Any person selling agricultural products which the person has grown, so long as there is no food preparation.

- (2) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of the charitable organization, provided there is submitted to the village proof that the charitable organization is registered under Wis. Stats. § 202.12. A charitable organization not registered under Wis. Stats. § 202.12 or exempt from the registration requirements of Wis. Stats. § 202.12 shall be required to obtain a mobile food business license from the village.
- (3) Any person operating a mobile food business entirely inside a permanent business establishment.
- (4) Any permanent business establishment that places food or drinks sold at its establishment directly outside of its permanent business.
- (5) Any person selling food or drinks at a farmer's market/flea market.

(Code 1998, § 22-233; Ord. No. 15-2, § 1 (22-103), 2-16-2015)

Sec. 18-312. - Prohibited practices.

- (a) A mobile food business vendor shall be prohibited from:
 - (1) Violating or failing to comply with any federal, state, or local rules or regulations pertaining to the handling, preparation, or sale of food or drinks.
 - (2) Operating its business between the hours of 10:30 p.m. and 5:00 a.m., unless a specific exception is granted by the village.
 - (3) Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
 - (4) Selling food or beverages in glassware.
 - (5) Selling alcoholic beverages.
 - (6) Disposing of food, water waste, or other materials into storm drains, manholes, grass, sidewalks, or streets.
- (b) No mobile food business shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles in parking spaces, all traffic and parking regulations shall be observed.
- (c) No mobile food business shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- (d) No mobile food business shall allow rubbish or litter to accumulate in or around the area in which the mobile business is operating.

(Code 1998, § 22-236; Ord. No. 15-2, § 1(22-106), 2-16-2015) Secs. 18-313—

18-342. - Reserved.

DIVISION 2. - LICENSE

Sec. 18-343. - Required.

It shall be unlawful for any person to operate a mobile food business within the village without first having obtained a mobile food business license in compliance with the provisions of this article.

(Code 1998, § 22-231; Ord. No. 15-2, § 1(22-101), 2-16-2015)

Sec. 18-344. - Application and fees.

- (a) Application. An application for a mobile food business license shall be completed and returned to the village on a form furnished by the village.
- (b) Identification and certification. An applicant shall present to the village for review:
 - (1) A completed mobile food business license application.
 - (2) A state issued driver's license or some other proof of identity as may be reasonably required.
 - (3) Proof of liability insurance or indemnity bond for the mobile food business.
 - (4) All appropriate permits and licenses as required by the county and the state.
- (c) Fees. When filing the application, the applicant shall pay a license fee in an amount set by the village to cover the cost of reviewing and processing the application. In addition, there also shall be an annual fee in an amount set by the village for each day the mobile business is approved for operation. All such fees shall be established by resolution.
- (d) Appointment of agent for service of process. The applicant shall sign a statement authorizing any employee or agent of the mobile food business to accept service of process in any civil action brought against the applicant or the mobile food business arising out of any sale or service performed in connection with the mobile food business, if the applicant cannot, after reasonable effort, be served personally.

(Code 1998, § 22-234; Ord. No. 15-2, § 1(22-101), 2-16-2015)

Sec. 18-345. - Issuance or denial.

- (a) Upon receipt of a completed application, the village clerk shall refer the application to the police department, or any other applicable village department, to review the application.
- (b) Following review of the application, the village clerk shall issue the license, deny the license, or issue the license with conditions. If issued, the license shall be valid for the calendar year in which it is issued, subject to revocation in section 18-114. Each calendar year, a person wishing to operate a mobile food business within the village shall obtain a new license.
- (c) The village may refuse to issue a license if it is determined that:
 - (1) The application contains material omission or materially inaccurate statement.
 - (2) Complaints of a material nature have been received against the applicant in cities, villages or towns in which the applicant conducted similar business.
 - (3) Subject to applicable state statutes, the applicant has been arrested or convicted of a crime, statutory violation, or ordinance violation.
 - (4) The applicant failed to comply with any applicable provision of section 18-112.
 - (5) In the village's sole discretion, there is a public safety, health or general welfare reason or reasons that support denial of the license.

(Code 1998, § 22-235; Ord. No. 15-2, § 1(22-105), 2-16-2015)

Sec. 18-346. - Revocation.

- (a) A mobile food business license may be revoked by the village after notice and hearing if the licensee:
 - (1) Made any material omission or materially inaccurate statement in the application for license.
 - (2) Made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in sale of food, drinks, or materials incidental to food or drinks.
 - (3) Violated any section of this article, including, but not limited to, section 18-91.
 - (4) Subject to applicable state statutes, the licensee was arrested or convicted of a crime, statutory violation, or ordinance violation.
- (b) Written notice of the hearing shall be served personally on the licensee at least 72 hours prior to the time set for the hearing. The notice shall contain the time and place of the hearing and a statement of the facts upon which the proposed revocation of the license is based.

(Code 1998, § 22-237; Ord. No. 15-2, § 1(22-107), 2-16-2015)

Sec. 18-347—18-399. - Reserved.

CERTIFICATION

I hereby certify that the information provided on this application is true and correct. I understand that failure to provide all required information shall be grounds for denial of this permit. I further understand that falsification of any information provided shall be grounds for denial or revocation of this permit. I fully understand that all state and local laws and ordinances governing transient sales and canvassing apply to this permit, and agree to abide by those laws.

I hereby authorize the Village of Cottage Grove to perform a criminal background and drivers license check.

Signature: _____ Date: _____

*****FOR OFFICE USE ONLY*****

Date Received: _____ Receipt Number _____

Background Check:

CIB and/or CCAP

Approved or Denied

Permit No. _____ Permit expires on: _____

Other vehicles that will be used.

Vehicle Information

Make _____ Model _____

Color _____ Year _____ License Plate(s) No. _____

Vehicle Information

Make _____ Model _____

Color _____ Year _____ License Plate(s) No. _____

Vehicle Information

Make _____ Model _____

Color _____ Year _____ License Plate(s) No. _____



Mobile Food Cart Application

Pursuant to Village Ordinance Chapter 11

License Type:

- Annual \$150 (January 1-December 31)

- Single Event Permit \$50

Applicant Information

Last Name:		First Name:		Middle Name/Initial:	
Phone Number:		E-mail Address			
Permanent Home Address:			Service Base Address:		
Social Security Number:		Driver License/ID #:		State of Issuance:	
Age:	Date of Birth:	Weight:	Height:	Eyes:	Hair:

Physical description of any mobile food establishment to be used (include make, model and license number):

****Please submit additional applications for additional operators who will be operating your mobile food establishment. Additional applications can be obtained from our website at www.mcfarland.wi.us/licensespermits under the mobile food establishment section, or in the Village Administration Department at 5915 Milwaukee St., McFarland, WI 53558**

Business Information

Business Name:		Phone:	
Street Address: (include city, state and zip code)		Service Base Address: (include city, state and zip code)	

Description of goods/good to be sold/prepared:

List last three cities in which you conducted similar business or solicitation	City, State	Date Left

Arrest/Conviction Record

Have you ever been fined/arrested for and/or convicted of ANY LAW of the State of Wisconsin or of the United States(including traffic violations)?

yes** no

****If yes, please list all convictions below. Any omissions could result in a denial of this application.**

(The following websites may provide information on your records:

<https://recordcheck.doj.wi.gov/> <https://wcca.wicourts.gov/> <https://www.dmv.us.org>

Date of Conviction	Name of Court	Nature of Offense

Operation plan:

Will your unit operate on Public or Private Property?:* _____

Please provide the location(s) the unit will operate including zoning districts of operation:

*If you will be operating on Private Property, please attach documentation of permission of the property owner.

*If you will be operating on public property, your application will be submitted to the Public Works Department for approval. Public Works will follow up to discuss the details and provide approval of denial.

Required Documentation

The following items must accompany this application

- Payment by check or cash of \$150 for annual permit or \$50 for single-event permit
- A clear photocopy of your Driver License/State ID or other proof of identity
- Permission to operate on Private Property (if applicable)
- A copy of all food and beverage licenses issued by the State of Wisconsin or agency health department.

I certify that I am the applicant in the foregoing application; that I have read and made complete answers to each question, and that my answers in each instance are true and correct.

Applicant Signature

FOR OFFICE USE ONLY**RECOMMENDATION FROM MCFARLAND POLICE DEPARTMENT**

- Approved - Denied

Chief of Police

RECOMMENDATION FROM PUBLIC WORKS DEPARTMENT

- Approved - Denied - Not Required

Public Works Director



Mobile Food Cart Application – Additional Operators
 Pursuant to Village Ordinance Chapter 11
Must be submitted with original or renewal mobile food cart application

Applicant Information					
Last Name:		First Name:		Middle Name/Initial:	
Phone Number:		E-mail Address			
Permanent Home Address:			Service Base Address:		
Social Security Number:		Driver License/ID #:		State of Issuance:	
Age:	Date of Birth:	Weight:	Height:	Eyes:	Hair:

Arrest/Conviction Record

Have you ever been fined/arrested for and/or convicted of ANY LAW of the State of Wisconsin or of the United States(including traffic violations)?

yes** no

****If yes, please list all convictions below. Any omissions could result in a denial of this application.**
 (The following websites may provide information on your records:
<https://recordcheck.doj.wi.gov/> <https://wcca.wicourts.gov/> <https://www.dmv.us.org>

Date of Conviction	Name of Court	Nature of Offense

Required Documentation

The following items must accompany this application

A clear photocopy of your Driver License/State ID or other proof of identity

I certify that I am the applicant in the foregoing application; that I have read and made complete answers to each question, and that my answers in each instance are true and correct.

Applicant Signature

FOR OFFICE USE ONLY

<p>RECOMMENDATION FROM MCFARLAND POLICE DEPARTMENT</p> <p><input type="checkbox"/> - Approved <input type="checkbox"/> - Denied</p> <p>_____</p> <p>Chief of Police</p>	<p>RECOMMENDATION FROM PUBLIC WORKS DEPARTMENT</p> <p><input type="checkbox"/> - Approved <input type="checkbox"/> - Denied <input type="checkbox"/> - Not Required</p> <p>_____</p> <p>Public Works Director</p>
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City of Monona
Application for Transient Merchant License
MOBILE FOOD ESTABLISHMENT

Fee: \$50 Yearly

Date of Application: _____ License Expiration Date: **December 31,** _____

It shall be unlawful for any Transient Merchant to engage in sales within the City of Monona without being licensed for that purpose.

The undersigned hereby makes application for a Transient Merchant License, as defined in Chapter 13 of Title 7 of the Municipal Code for the City of Monona, to engage in said business, in the City of Monona, Wisconsin, subject to the limitations imposed by law, and hereby agrees to comply with all laws, resolutions, ordinances, and regulations.

I further understand that this license is not transferable and that a copy of my driver license is required.

Name of Firm, Association, or Corporation		Telephone Number	
Manager's Name			
Business Address	City	State	Zip
Service Base Address	City	State	Zip

Name of Applicant – Include Middle Initial		Date of Birth	
Permanent Address	City	State	Zip
Temporary Address (if applicable)	City	State	Zip
Telephone Number	Temporary Telephone Number (if applicable)		
Vehicle Make	Model	License Plate Number	
Driver License Number (copy required)		State Issued	

Description of all food items to be offered for sale:

Address or location of sales **IN THE CITY OF MONONA** and telephone number, if applicable:

Dates and times of sales:

Address of Service Base:

Three most recent cities, villages, or towns where business has been conducted:

Please list your contact information for the next seven (7) days after leaving the City of Monona:

Address

Telephone Number

Required document copies (please submit with application):

- Wisconsin driver license or other proof of identity containing a photograph of the applicant.
- Wisconsin certificate of examination and approval from the sealer of weights and measures for each device utilized, if applicable.
- Current, valid Wisconsin Seller's Permit.
- Current auto insurance declaration page for coverage in force for the entire license period.
- Current proof of liability insurance in an amount no less than \$300,000 per incident.
- Current mobile food establishment permit issued by the *Wisconsin Department of Health Services.
- Current service base permit issued by the *Wisconsin Department of Health Services.
*Or its designated agent such as Dane County Public Health Department or WI Department of Agriculture, Trade and Consumer Protection.

Have you ever been convicted of any crime or ordinance violation related to food service within the last five (5) years?

No _____ Yes _____ If yes, describe nature of offense:

Place of conviction: _____

The undersigned declares the above information is true and complete. If the City subsequently learns the information provided is untrue or incomplete, the license is subject to revocation.

Signature of Applicant

Date

If selling at a fixed, private location, signature of property owner or manager giving applicant permission to be at location:

Signature of City of Monona Property Owner/Manager

Date

If selling at a public location, signature of City of Monona Department Head giving applicant permission to be at location:

Signature of City of Monona Department Head

Date

If selling on a public street, signature of City of Monona Police Department giving applicant permission to be at location:

Signature of City of Monona Police Department

Date

FOR OFFICE USE ONLY:

Police Chief Review: Recommended Denied: If not recommended, reason for denial:

Signature of Police Chief (or designee)

Date

Approval of City Clerk

Date

License Issue Date: _____

License Number: _____



- Include a copy of:
- Driver License or Photo ID
 - 2x2 color photo less than 1 year old
 - Wisconsin Seller's Permit

OFFICE OF THE CITY CLERK

300 East Main Street
 Sun Prairie, WI 53590-2227
 (608) 837-2511
 FAX (608) 825-6879
 Website www.cityofsunprairie.com

MOBILE FOOD VENDOR / CART PERMIT - APPLICANT INFORMATION

APPLICANT'S LAST NAME:			APPLICANT'S FIRST NAME:			MIDDLE INITIAL	OTHER NAMES USED / MAIDEN NAME
SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	BIRTHDATE	APPLICANTS DRIVERS LICENSE - STATE AND NUMBER	
CURRENT RESIDENCE ADDRESS - PERMANENT						ARE YOU A WISCONSIN RESIDENT?	
STREET						<input type="checkbox"/> No <input type="checkbox"/> Yes - IF YES, HOW LONG? _____ If "no" please list the state that you are a permanent resident of, and how long you have been a resident there.	
CITY						_____	
STATE / ZIP						_____	
HOME PHONE NUMBER			CELL PHONE NUMBER			EMAIL ADDRESS	

LIST OFFENSES FOR WHICH YOU HAVE BEEN CHARGE OR CONVICTED IN THE PAST FIVE (5) YEARS:

Also, include offenses for which you have been released from prison or parole in the past five years. This includes but is not limited to any felony, misdemeanor, or ordinance violations involving alcohol or drugs, and any other traffic, licensing offenses and/or civil forfeiture violation from this or any other state, county or municipality.

If you have none, Initial Here

DATE OR MONTH AND YEAR	NATURE OF CHARGES	JURISDICTION WHERE CHARGED (City/State/County if known)	INDICATE IF CHARGE IS -PENDING -CONVICTED -RESOLVED

LIST DATES AND PLACES OF RESIDENCE FOR THE PAST 5 YEARS:

If you have not lived anywhere else besides your current address, Initial Here

DATE	ADDRESS	CITY/STATE

Please include a copy of your driver's license or state issued identification card with the application and required fees.

MOBILE FOOD/VENDOR CART PERMIT APPLICATION

YEAR FOR WHICH THIS PERMIT IS APPLIED FOR	
DESCRIPTION OF GOODS TO BE SOLD	
DESCRIPTION OF FOOD TO BE PREPARED	
NAME OF FIRM YOU ARE WORKING FOR:	NAME OF SUPERVISOR PRIMARY CONTACT INFORMATION
NAME	NAME
ADDRESS	ADDRESS
CITY / STATE / ZIP	CITY / STATE / ZIP
PHONE NUMBER	PHONE NUMBER
EMAIL ADDRESS:	EMAIL ADDRESS:
WILL SALES BE MOBILE?	WILL SALES BE STATIONARY?
<input type="checkbox"/> No <input type="checkbox"/> Yes *IF YES, PLEASE LIST ROUTE/AREA WHERE BUSINESS WILL BE CONDUCTED BELOW:	<input type="checkbox"/> No <input type="checkbox"/> Yes *IF YES, PLEASE LIST STATIONARY ADDRESS WHERE BUSINESS WILL BE CONDUCTED BELOW:
VEHICLE MAKE, MODEL, YEAR LICENSE PLATE # AND LICENSE PLATE ISSUING STATE BEING USED FOR SALES	
MAKE:	
MODEL:	
YEAR:	
LICENSE PLATE #:	
LICENSE PLATE ISSUING STATE:	
HAVE YOU HELD A SOLICITORS PERMIT IN SUN PRAIRIE IN THE PAST FIVE (5) YEARS	Have you ever had any type of permit or license suspended, revoked or denied in this or any other municipality?
<input type="checkbox"/> Yes If so, WHEN? <input type="checkbox"/> No	<input type="checkbox"/> Yes If so, please specify municipality and dates. <input type="checkbox"/> No
LAST 3 CITIES IN WHICH BUSINESS WAS CONDUCTED INCLUDE THE NAME AND ADDRESS OF CONTACT PERSONS	ADDRESS & PHONE # WHERE APPLICANT CAN BE REACHED FOR AT LEAST 7 DAYS AFTER LEAVING THE CITY
1. 2. 3.	
ARE YOU OVER THE AGE OF 18?	IF YOU ARE NOT OVER THE AGE OF 18, WHO WILL BE YOUR SPONSOR FOR THIS ACTIVITY? (PLEASE LIST BELOW) See Section 5.32.040 of City Ordinance
<input type="checkbox"/> Yes <input type="checkbox"/> No	Name (First, MI, Last): Has this individual applied for and received a Solicitor's Permit this year? <input type="checkbox"/> Yes <input type="checkbox"/> No

Is this application for a Mobile Food/Vendor Cart Unit?

Yes No

If you answered "yes" please complete the following questions.

As the applicant for a Mobile Food/Vendor Cart, did you:

- Provide a copy of your Driver License, State ID or Government issued picture ID such as passport or Federal Document required for identification to conduct a background investigation? Yes No
 - Read the Licensing Guidelines, and understand that if this license is not issued, fees that have been paid will not be refunded. You acknowledge that you have also been provided a copy of Section 5.32 of the City Municipal Code of Ordinances as it pertains to Solicitors? Yes No
 - Provide a color photograph approximately two inches by two inches showing the head and shoulders of yourself, which has been taken not more than one year prior to such application? Yes No
 - Provide a copy of any other license or permit required by the State of Wisconsin, Dane County, or the City of Sun Prairie for the applicant's business activity?
 - A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities; Yes No
 - A state health officer's certificate where applicant's business involves the handling of food, clothing, humans or animals and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for a permit is made. Yes No
 - Provide a site plan for the location where the unit will be located if this is for an outdoor location? The plan shall include a drawing showing the street address, location of unit, signage to be used, traffic and pedestrian flow. The site plan will also state the size of the vending unit and equipment specifications. Yes No
 - Provide written authorization from a landowner to the outdoor vendor to use the landowner's premises for outdoor vending activities? The authorization document shall give the address of the property and the beginning and ending dates for such authorization. Yes No
 - Provide a copy of the approved special use zoning permit, if necessary? Yes No
 - Provide a sign-off of the application document that the applicant has met with and received approval from a member of the city planning department, and that the application complies with city zoning requirements and permits?
 - Provide a sign-off of the application document that the applicant has met with and received approval from the Recreation and Public Works Directors, and that the application complies with all requirements of that department, if the outdoor vendor is to be located in a city park? Yes No
- These will be done through the application review process

Is this application for an individual working in the Mobile Food Cart? Yes No

If you answered "yes" please complete the following questions.

As the applicant did you:

- Provide a copy of your Driver License, State ID or Government issued picture ID such as passport or Federal Document required for identification to conduct a background investigation? Yes No
- Read the Licensing Guidelines, and understand that if this license is not issued, fees that have been paid will not be refunded. You acknowledge that you have also been provided a copy of Section 5.32 of the City Municipal Code of Ordinances as it pertains to Solicitors? Yes No
- Provide a photograph approximately two inches by two inches showing the head and shoulders of yourself, which has been taken not more than one year prior to such application? Yes No

TO: CITY COUNCIL OF THE CITY OF SUN PRAIRIE, WISCONSIN

Applicant agrees to provide a copy of their Driver License, State ID or Government issued picture ID such as passport or Federal Document required for identification to conduct a background investigation. The undersigned affirms that he/she made COMPLETE AND TRUE answers to each question and understands that his/her past record will become part of this application. The undersigned is also aware that incomplete or false answers may result in denial or revocation of permit and authorizes a review of and full disclosure of any and all records, files and reports, which include any police contact as well as arrests.

Did you read the Licensing Guidelines, and understand that if this license is not issued, fees that have been paid will not be refunded. You acknowledge that you have also been provided a copy of Section 5.32 of the City Municipal Code of Ordinances as it pertains to Solicitors. Yes No

Applicant realizes that this is not a license or permit to sell, peddle, or solicit in the City of Sun Prairie, nor is it a guarantee of the applicant's integrity or an endorsement of the product. This does not relieve the applicant of compliance with City Ordinances or State Statutes. Until the permit is approved and issued this is only an application. Yes No

As the applicant, I hereby agree to comply with all laws, Resolutions, Ordinances and Regulations, Federal, State, or Local affecting the direct seller, peddlers, or solicitors if a license is granted to me. Applicant acknowledges that any sales or solicitations must comply with posted notices of "NO SOLICITORS" or like notices in writing, or given verbally by the property owner or person in lawful control of the property.

APPLICANT'S SIGNATURE: _____ **DATE:** _____

Call or Email me I will pick up my license when it is ready

- FEES:
- The permit fee for a mobile food vending unit shall be \$150.00 per year. The permit shall be good from January 1 through December 31 of the year for which the permit is granted.
 - A permit is required for each cart. The fee for each mobile food vendor is \$25.00.
 - In addition to the fees stated, all processed applications will be assessed the actual cost of the background check as incurred by the city. (\$7 each)

OFFICE USE ONLY - Application and fees accepted by _____ Date _____ / _____ / 20

FEES: Application is for _____ **MOBILE FOOD CART @ \$150 PER CART**

Application is for _____ **MOBILE FOOD VENDOR @ \$25 PER PERSON** Total Fees collected: _____

Application is for _____ **\$7.00 BACKGROUND CHECK FEE PER PERSON**

Applicant has met with and received approval from a member of the city **Planning Department**, and the application complies with city zoning requirements and permits.

A Special Use Permit (SUP) is is not required. _____ A SUP has been obtained, if needed

Signature of City Planner or his/her designee _____

In regards to the issuance of this license, the Sun Prairie **Police Department**:

- _____ has no objection.
- _____ does have an objection which is detailed, with a recommendation, in the attached report.
- _____ recommends further review and consideration for action by the city attorney with a report to follow due to the following: _____

Signature of Police Chief or his/her designee _____ DATE _____

Signature of City Clerk or his/her designee _____ DATE _____

Food Cart Permit Number _____ **Permit Effective** _____ **Permit Expires** 12/31/20

Food Vendor Permit Number _____ **Permit Effective** _____ **Permit Expires** 12/31/20

AUTHORIZATION FOR USE FROM BUILDING/PROPERTY OWNER

Name of Business making application: _____

Address _____

Applicants name: _____

Property Owners Name _____

As owner of the property located at _____

I have knowledge and give permission for this business to make application and use the above state property for a business use for a Mobile Food Cart

Property Owners Signature _____

Date: _____

Village of Waunakee
 500 West Main Street
 Waunakee, WI 53597
 (608) 850-8500



**NOTE: PLEASE ALLOW 5 BUSINESS DAYS
 PRIOR TO THE EVENT FOR PROCESSING**
 \$7.00 Background Check & \$25.00 Application Fee
 \$25 Daily Fee
 \$250 Annual Fee
 Receipt # _____ 3-308/4-401)
 Date: _____ Initials: _____

MOBILE FOOD BUSINESS LICENSE APPLICATION

Please **PRINT** in Ink

(Last)		Applicant's Name		Telephone Number
		(First)	(Middle)	() -
Current Address		City	State	Zip
Prior Address		City	State	Zip
Date of Birth	Social Security #	Driver's License #	Driver's License State	
Name and Address of Employer/Company				Employer Telephone #
Temporary Address/Location where Business will be Conducted				Applicant Cell Phone #
Date(s) and Name of the Event:				
Nature of Business to be Conducted and Brief Description of Merchandise/Service				
Description of Vehicle/Cart Used by Applicant		License Plate #	Does Vehicle/Cart have a generator?	
			YES NO*	
Last Three (3) Municipalities Where Applicant Conducted Business				
1. _____ 2. _____ 3. _____				
Address Where Applicant can be Contacted for at Least Seven (7) Days after Leaving the Village of Waunakee				Telephone Number
				() -
Have you Been Convicted of any Crime or Ordinance Violation in this State, or any Other State, Substantially Related to this Activity Within the Last Five (5) Years?		Nature of Offense	Place of Conviction	
NO (Circle One)		YES		

*Additional Fee for use of electricity

The following items must be presented in the Clerk's office at time of application

- A. Completed Mobile Food Business License Application
- B. State Issued Driver's License
- C. Proof of liability insurance or indemnity bond
- D. All appropriate permits and licenses as required by Dane County and the State of Wisconsin.

Incomplete and/or inaccurate information may lead to delayed processing

I, _____ hereby appoint the Village Clerk or his/her agent to accept service of process in any civil action brought against me arising out of any sale or service performed by me in connection with the direct sales activities of me, in the event I cannot, after reasonable effort, be served personally.

 Signature of Applicant

 Date



BOTTOM PORTION FOR ADMINISTRATIVE USE

Police Department Approval: _____ Recommended _____ Not Recommended _____ DOJ Complete		
Reason for Denial, If Not Recommended:		
Police Officer Signature:		Date:
Date Approved by Village Clerk:	Date Approved by Parks (if applicable):	Date Issued:

ORDINANCE REQUEST FORM

NAME OF REQUESTER: Sarah Valencia

ADDRESS OF REQUESTER: 213 Weald Bridge Rd.
Cottage Grove, WI 53527

The Village of Cottage Grove Ordinance Review Committee (Committee) reviews requests to revise current or create new Ordinances for the Village.

The Committee must analyze the “Who, What, When , Where, Why and How” when deciding whether to pursue a request. This involves a variety of factors including (but not limited to) whether this is a matter affecting the entire Village, number(s) of individuals affected, how the proposal solves the problem, time and expense related to drafting the proposed language, the cost/benefit involved with the enforcement of the Ordinance.

To assist the Committee, please provide as much background as possible:

WHO (is affected by the proposal)

WHAT (is the actual issue involved, specific sections you want revised, proposed language?)

WHEN (has this been a problem?)

WHERE (have problems occurred?)

WHY (are there existing ordinances, state statutes that could be used as an alternative?)

HOW (does this proposal solve the issue? How have other municipalities dealt with this issue (examples of ordinances from other local jurisdictions are helpful.)

I have been asked by some neighbors if they can have a chicken coop.

In attempting to direct them to the ordinances, I am not sure what to make

of the ordinance I found. I would like the Ordinance Committee to review

Ordinance 116-3: Keeping of animals restricted. It states:

“No person shall keep within the Village any animal except a domesticated pet unless within a licensed animal hospital or kennel, except on premises on which animals were customarily kept on January 1, 1965.”

Seems to be outdated language - not sure it makes sense to allow for animals if they were allowed on the property in 1965. Mayb there are some other decision points to look at.

The next meeting of the Village Ordinance Committee is scheduled for: _____

Thank you for your interest in the Village of Cottage Grove.

Chapter 116. Animals

Article II. Keeping of Animals

[Adopted 7-2-1984 as Secs. 10.05 and 10.25 of the 1984 Code]

§ 116-3. Keeping of animals restricted.

No person shall keep within the Village any animal except a domesticated pet unless within a licensed animal hospital or kennel, except on premises on which animals were customarily kept on January 1, 1965.

§ 116-4. Violations and penalties.

Any person who violates any provisions of this article shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19, of this Code.