Sec. 14-470. - Definitions.

The following ~~definition~~ definitions shall be applicable to this article:

(a) "Mobile food vending unit" means any motorized or non-motorized vehicle, trailer, kiosk, push or pedaled cart, stand, or other device designed to be portable and not permanently attached to the ground in which food or beverages are cooked, wrapped, packaged, processed, or portioned for services, sale, or distribution or from which food or beverages are being peddled, vended, sold, or served. Mobile food vending units do not include vehicles that are used solely to transport or deliver food or a common carrier regulated by the state or federal government.

~~(a)~~(b) "Special event" means any planned extraordinary occurrence on the public right-of-way or public premises including, but not limited to, parades, processions, bicycle or foot races, festivals or celebrations or any event occurring on public or private property in which alcoholic beverages are to be served which require the issuance of a temporary Class "B" retailer's license.

Sec. 14-471. - License or permit required.

(a) No special event may be held without a special event license from the city, issued in accordance with this ~~section~~article.

(b) No person or entity may operate a mobile food vending unit on public or private property within the city, except with a permit from the city, issued in accordance with this article, that authorizes operation at a special event licensed under this article.

~~(a)~~

Sec. 14-472. ~~-~~ Special event license ~~Approval~~ approval procedure and appeal of denial.

(a) *Approval procedure*. Completed applications shall be filed with the city clerk. The city clerk shall forward copies of the application to the police chief and street superintendent. The police chief shall review the application, determine if on-site police personnel will be required, including overtime or additional staff labor cost thereof and make recommendations for approval, denial or modification based upon expected number of participants, sale of alcoholic beverages, traffic and parking issues and consideration of prior events. The street superintendent shall review the application to determine

Commented [RES1]: This is a very broad definition that applies to both food trucks and carts in which good and beverages are prepared and sold and to what may be viewed as temporary food stands from which pre-made or pre-packaged food and beverages are sold. The committee should consider whether it would like to make exceptions to this definition. As drafted, this would mean that food trucks and carts are generally not allowed in Stoughton, even on private property, unless in connection with a special event.

Commented [RES2]: Does the committee wish to require that a mobile vending unit operate as part of the special event? Or would it be permissible for a mobile vending unit to set up and operate during the same time that a special event is operating, but outside of the event itself? As drafted, this ordinance currently requires that the mobile vending unit be at a special event and would not authorize operation during the same time period, but outside of a special event.

any additional services or equipment necessary, including any costs thereof and make recommendations for approval, denial or modification. The approval of both the chief of police and the street superintendent constitutes approval of the license.

(b) *Appeal of license denials*. Any applicant who has been denied a special event license or has had an application modified may, upon written request to the city clerk, have the denial reviewed by the public safety committee. The public safety committee may affirm, reverse or modify the initial action on the application. such determination by the public safety committee shall constitute final action.

Sec. 14-473. ~~—~~ Special event ~~License~~ license applications.

(a) *Application*. Applications for licenses and copies of this article are available from the city clerk. All applications must be submitted at least 30 calendar days prior to the event. Annual events must obtain a license each year the event is planned.

(b) *Route/location*. All special event license applications shall include a detailed map of the proposed route for parades, races or processions and location for festivals or celebrations. Routes/locations for annual events must be submitted each year the event is planned. Recommendations for alteration of the planned route or location may be made by the police chief or street superintendent.

(c) ~~*Permit*~~ *License fee and fee agreement.* Each application for a special event license shall be accompanied by a fee of $30.00. Additionally, the city may require an applicant to enter into special event fee agreement on a case-by-case basis to cover costs the city incurs relating the applicant's special event.

(d) *Insurance*. An applicant of a special event license may be required to furnish the city clerk with a certificate of insurance written by a company licensed in the State of Wisconsin, approved by the city clerk, and covering any and all liability or obligations which may result from the operations by the applicant, the applicant's employees, agents, or contractors and including worker's compensation coverage in accordance with Wis. Stats. ch. 102. This certificate shall be written in comprehensive form and shall protect the applicant and city against all claims arising out of any act or omission of the applicant, its employees, agents, or contractors.

(1) The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of $1,000,000.00 or such

other insurance limits as deemed adequate by the city clerk or public safety committee.

(2) The certificate of insurance, naming the City of Stoughton as an additional insured must be submitted to the city clerk at least five working days prior to the event's occurrence.

(e) *Indemnification*. The applicant shall indemnify and hold the city harmless from and against all liabilities, claims, demands, judgments, losses, and all suits law or in equity, costs, and expenses, including reasonable attorney fees, for injury or death of any person or damage to any property arising from the holding of such special event. The city may require an indemnification agreement as a condition of issuing a ~~permit~~license.

(f) *Clean up*. It shall be the responsibility of the applicant to clear the route or location of the special event of any signs, litter, materials or equipment left as a result of the event within 24 hours of the event's completion. Applicant will be responsible for any damage to any public premises other than normal wear and tear.

Sec. 14-473.25. – Mobile food vending unit permit approval procedure and appeal of denial.

(a) *Approval procedure*. Completed applications shall be filed with the city clerk. The city clerk shall refer the application to the chief of police who shall immediately conduct a background check. The city clerk shall approve the application and issue the mobile food vending unit permit if all of the application requirements are met and the chief of police approves.

(b) *Appeal of permit denials*. Any applicant who has been denied a mobile food vending unit permit may, upon written request to the city clerk, have the denial reviewed by the public safety committee. The public safety committee may affirm or reverse the initial action on the application. Such determination by the public safety committee shall constitute a final action.

Sec. 14-473.75 – Mobile food vending unit permit applications.

(a) *Application*. Applications for mobile food vending unit permits and copies of this article are available from the city clerk. An applicant must submit a separate application and obtain a separate permit for each licensed special event at which the applicant will operate a mobile food vending unit.

(b) *Licensure*. An applicant must comply with all food preparation and sanitation regulations of the Wisconsin Food Code and Public Health Madison & Dane County, and must be licensed to sell food and beverages by Public Health Madison & Dane County or by the State of Wisconsin. An applicant must furnish the city clerk with a copy of all required county or state licenses or permits.

(c) *Special event*. An applicant must provide the city clerk with proof that the applicant has the permission of or has contracted with a special event organizer to operate at a special event licensed under this article.

(d) *Permit fee*. Each application for a mobile vending unit permit shall be accompanied by a fee of $30.00.

Commented [RES3]: This is the same as the fee for a special event license. Does this align with the committee's intent?

(g) *Insurance*. An applicant for a mobile food vending unit permit may be required to furnish the city clerk with a certificate of insurance written by a company licensed in the State of Wisconsin, approved by the city clerk, and covering any and all liability or obligations which may result from the operations by the applicant, the applicant's employees, agents, or contractors and including worker's compensation coverage in accordance with Wis. Stats. ch. 102. This certificate shall be written in comprehensive form and shall protect the applicant and city against all claims arising out of any act or omission of the applicant, its employees, agents, or contractors.

Commented [RES4]: Because this ordinance currently applies broadly, including to temporary food stands that are not necessarily significant commercial enterprises, the committee should evaluate whether this insurance requirement is overly burdensome for purposes of a permit.

(1) The policy of insurance shall provide minimum combined single limits for bodily injury and property damage of $1,000,000.00 or such other insurance limits as deemed adequate by the city clerk or public safety committee.

(2) The certificate of insurance, naming the City of Stoughton as an additional insured must be submitted to the city clerk at least five working days prior to the special event's occurrence.

(e) *Indemnification*. The applicant shall indemnify and hold the city harmless from and against all liabilities, claims, demands, judgments, losses, and all suits in law or in equity, costs, and expenses, including reasonable attorney fees, for the injury or death of any person or damage to any property arising from the operation of a mobile food vending unit at a licensed special event. The city may require an indemnification agreement as a condition of issuing a permit.

Sec. 14-474. - Penalty.

Any person who shall violate any provisions of this article or any license or permit issued under this article shall be subject to a penalty as provided in section 1-3 of this Code. Additionally, failure to comply with any provisions of this article may result in the withholding of approval on any subsequent license or permit applications for this or other licenses or permits required by the city.

Sec. 14-475. - Severability.

If any portion of this article, or its application to any person or circumstances, is held invalid, the validity of this section as a whole, or any other provision herein and its application to other persons or circumstances, shall not be affected.