

ORDINANCE NO. _____

AN ORDINANCE TO AMEND & RECREATE §17.111(10)
FOOD TRUCKS / MOBILE FOOD SHOPS
OF THE MUNICIPAL ZONING ORDINANCE FOR THE CITY OF OCONOMOWOC

The Common Council of the City of Oconomowoc, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. Section 17.111 Additional Standards for Specific Accessory Uses and Structures of Chapter 17 of the Municipal Zoning Ordinance, is hereby amended to re-create the standards for (10) Food Trucks / Mobile Food Shops, specifically the following:

(a) Definitions

1. Food Truck or Mobile Food Shop is any temporary structure, trailer, motorized vehicle, or cart that is brought to a site for the purpose of selling, preparing, or displaying food items.
2. Food Court is any parcel that contains three or more food trucks or mobile food shops at the same period of time.

(b) Permit Required – No vendor shall sell, offer for sale, or display food items from a food truck or mobile food shop location without first obtaining a permit from the City of Oconomowoc. Food delivery services or private caterers serving private businesses or residences are exempt from the requirements of this ordinance. Food trucks or Mobile Food Shops approved for an event lasting less than 4 days are exempt from the requirements within this ordinance. Any food truck or mobile food shop operating without City permits are subject to citations and penalties identified in Section 25.04 Penalty Provisions of the City Municipal Ordinance.

(c) Prohibited Locations – Food trucks and mobile food shops are prohibited to sell, park or operate on any public sidewalks, public parks, public streets or other publicly owned land, unless in conjunction with an approved special events permit issued by the Parks, Recreation and Forestry Department. No food trucks or mobile food shops may park and/or operate on any residentially zoned property. Specifically food trucks, food carts or other mobile food shops are not allowed to locate and/or operate within the zoning districts of SR, Suburban Residential; TR, Traditional Residential; RML, Residential Multi-Unit Low; RMH, Residential Multi-Unit High; IRS, Isthmus Residential Single-Family; IRM, Isthmus Residential Multi-Family; RR, Rural Residential; and UR, Urban Reserve.

(d) Application – An application form for a permit provided by the City of Oconomowoc under this section shall be completed by the vendor and contain the following information:

1. The vendor's name, address, email address and phone number.

2. A description of the food truck or mobile food shop from which the application intends to vend, including the dimensions of the truck, or device.
3. A description of the items to be offered for sale.
4. A copy of the vendor's license from Waukesha County Department of Health.
5. The location(s) for which a permit is sought. Including a site plan identifying the accurate location where the food truck / mobile food shop will be located.
6. Documentation from the property owner that the operator has permission to operate at that location.
7. Plan of Operations explaining the following: days and hours that the food truck / mobile food shop will be on site, the hours that the sales will occur, traffic circulation, customer parking, tables/chairs number and location, lighting, music, signage, restroom access, waste containers, on-site storage and any other information that is pertinent to the operations.
8. Initial Application fee.
9. Any other information as the City may require.

(e) Annual Fees - Payment is due by January 31st for said calendar year. If said permit is not renewed by this date, the application shall be considered null and void and any future applications will be treated as new applications.

(f) Permit Issuance – Upon receipt of a complete application in compliance with section (d) of this ordinance, the City Planner / Zoning Administrator shall determine the duration of the intended sales.

1. Temporary Use - If the sales are to be conducted at that location for ~~4 months (120 consecutive days)~~ 31 days or less within one calendar year, the City Planner / Zoning Administrator may administratively issue a temporary use permit for the food truck / mobile food shop. The City Planner / Zoning Administrator shall either issue the temporary use permit or provide notice to the applicant that the application is not complete within 10 working days of receipt of the application. Each temporary use permit, including renewals requires a new application and fee.

2. Permanent Use - If the sales are to be conducted greater than ~~4 months~~ 31 days in duration, the application shall be referred to the City of Oconomowoc Plan Commission for a site plan review per Section 17.805 Design Review of the City Zoning Ordinance. The applicant shall submit the information requested within subsection (d) of this ordinance.

~~3. Food Court – If a site is designed for three or more food trucks or if three or more food trucks currently exist, the Plan Commission shall review and recommend a master plan for the food court use. Following the Plan Commission recommendation, the application for the food court shall be forwarded to the Common Council for review and final action. The property owner shall submit the information requested within subsection (d) of this ordinance. Each individual permanent food vendor within a food court shall be approved by the Plan Commission and each temporary food truck shall be approved by the City Planner / Zoning Administrator.~~

3. Food Truck Courts are prohibited in all locations with the City of Oconomowoc. Adjacent parcels shall not be used to create food truck courts or joint food truck operations.

4. Appeals - The applicant may appeal any denial by either Planning Staff or the City Plan Commission. Appeals of the Planning Department shall go to the Plan Commission. Appeals of the Plan Commission shall go to the Zoning Board of Appeals. The appeal shall be made within 30-days of the date of the denial.

(g) Permit Exceptions – No permits from the City Planner / Zoning Administrator are required for food trucks / mobile food shops for temporary vendors that are approved under a special event permit issued by the City Parks, Recreation and Forestry Department.

(h) Special Events / Community Events – No temporary use permit will be granted by the City Planner / Zoning Administrator to allow a food truck / mobile food shop at a special event or community event.

(i) Inspections – Prior to opening for business, each food truck or mobile food shop shall be inspected by the Western Lakes Fire District and the City of Oconomowoc Building Inspection. Applicants shall comply and stay in compliance with all requirements of the Fire Prevention Code and the City Building and Safety Ordinances. Permanent permit holders shall be inspected by the Fire District representatives at least yearly.

(j) Location Regulations – No food truck / mobile food shop shall be allowed to operate within thirty (30) feet of a property occupied by a residence; within ten (10) feet of a driveway or driveway apron; within ten (10) feet of a building entrance or fire exit; within ten (10) feet of another food truck or mobile food shop; closer than ten (10) feet from any public sidewalk; twenty-five (25) feet from a wetland or waterway; or 300 feet from the premise of a private or public school. All food trucks or mobile food shop shall remain at the fixed location per the approved permit.

(k) Alcohol / Tobacco – No vendor shall be allowed to sell, possess, consume, or distribute alcoholic beverages while operating a food truck or mobile food shop. In addition, tobacco products of any sort shall not be offered for sale.

(l) Waste products – No grey water, grease, trash, or other similar products may be deposited into any storm sewer. Vendors must keep the grounds around their food truck / mobile food shop free of litter, trash, paper, and waste at all times.

(m) Utilities – ~~A connection to the municipal water or wastewater utility system is prohibited. Electric connection to adjacent properties with extension cords shall be done in a safe manner per the discretion of the City Building Inspector.~~ Special Event or temporary use permitted food truck or mobile food shop may operate with electric connection to adjacent properties with extension cords and shall be done in a safe manner per the discretion of the City Building Inspector. Food truck and mobile food shop operations with permanent use

permit on a parcel for more than 31 days shall obtain electric connection from dedicated and independently metered electric service adjacent to operations within that parcel.

(n) Lighting – All vendor lighting shall be approved by the City prior to installation. All exterior lighting shall be hooded or shielded so that the light source is not directly visible to any adjacent properties or public streets.

(o) Litter – No food truck or mobile food shop shall conduct business without making available a container suitable for the placement of litter. Unless placed in a dumpster that contains proper screening, all litter and trash shall be removed from the site on a daily basis.

(p) Tables / Chairs – Vendors may not place tables and chairs that inhibit pedestrian and vehicle traffic. Any obstructions deemed unsafe by the City or placed without proper approval will be promptly removed. Tables and Chairs are not allowed within the public right-of-way. No more than two tables with seating up to eight will be allowed. Seating shall be uniform, and plastic or lawn-chair type furniture is not allowed.

(q) Signage – Signage shall be limited to the area on the truck / stand and one sandwich board, chalk board, or white board that does not exceed 24" x 36". All signage must be reviewed for final approval by the Architectural Commission.

(r) Music – Music is prohibited from any food truck or mobile food shop.

~~(s) Restrooms – If there are three or more food trucks and/or mobile food shops on one parcel, the property owner shall provide one portable restroom for the customers and employees. Restrooms shall be adequately screened from all nearby public streets.~~ The property owner of any parcel that provides food trucks and / or mobile food shops on own parcel for 31 days or more in a calendar year shall provide one portable restroom for the customers and employees. Restrooms shall be adequately screened from all nearby public streets and walkways. Property owners with food trucks and / or mobile food shops operating under temporary permit shall provide a minimum of one (1) restroom and permission for use by operator / employee within 100 yards of operation.

(t) Parking – The property owner of any parcel that provides for permanent food truck and / or mobile food shop operation shall provide for a minimum of 2 parking stall per food truck and / or mobile food shop on that parcel.

(t) Revocation – The City of Oconomowoc Plan Commission may suspend or revoke any permit granted under this section on the basis of any violation of this chapter. Appeals of any decision of the City Plan Commission shall be directed to and heard by the City of Oconomowoc Zoning Board of Appeals.

(u) Overall Number of Food Trucks / Mobile Food Shops – The City of Oconomowoc shall not exceed a cumulative total of 20 food trucks or mobile food shops within the City at one time. Food trucks operating within the City limits for a special event do not count toward

this number. Once the maximum number is reached, the office of the City Planner / Zoning Administrator shall no longer approve requests or take to the City Plan Commission until there is less than 20 operating vendors.

(v) Existing Vendors – All existing food trucks / mobile food shops shall apply for permits within 90 days of passage of this ordinance. All vendors shall comply with the regulations listed within said ordinance.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

DATED: April 20, 2021

CITY OF OCONOMOWOC

By: Robert P. Magnus, Mayor

ATTEST:

Diane Coenen, Clerk

Date Adopted: _____

Date Published: _____

Effective Date: _____