

1. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
2. All outdoor, above-ground pools shall have an approved barrier consisting of a wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend not less than four (4) feet above the level of the ground immediately adjacent to the pool. Such a pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(9) Play Structures and Play Houses:

- (a) Seasonal play structures shall be exempt for the requirements set forth in this Section but shall comply with the accessory structure setback requirements of the applicable zoning district.
- (b) Play structures shall not exceed fifteen (15) feet in height.
- (c) A play house shall not have a footprint area exceeding 100 square feet or a height greater than ten (10) feet. Any play house exceeding these dimensions shall be considered an accessory structure and shall be subject to all ordinances governing accessory structures. Play houses with electric or plumbing are prohibited.
- (d) Play houses shall not be used as a yard maintenance building. No more than one (1) play house shall be allowed on any residential property.
- (e) Play structures and play houses shall not be located in front/street yard setbacks.
- (f) Play houses and play structures shall comply with the accessory structure setback requirements of the applicable zoning district.

(10) Food Trucks & Mobile Food Shops (created Ord# 21-O1007 – Adopted 4/20/21)

(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) 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 3 months 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.
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.

(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".

(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.

(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 17.112 Temporary Uses and Structures

This Zoning Ordinance allows for the establishment of certain temporary uses for limited duration, provided that such uses comply with the general and specific standards of this Section. The following temporary uses are allowed:

- (1) A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is allowed on the lot, parcel or tract only while the primary residence is undergoing new construction or repair. A temporary dwelling unit may also include a residence located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. The temporary residence shall be removed from the lot, parcel, or tract upon completion of such construction.
- (2) Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations in any district for a period not to exceed the number of days specified in the temporary use permit. Display of products need not comply with the setback requirements of this Zoning Ordinance provided that no display shall be located within a right-of-way or restrict the vision clearance requirements.
- (3) Temporary office space and equipment storage when accessory to an approved construction project, including sales offices on residential development sites. Such uses shall be located on the site no more than 30-days prior to the start of