

Ordinance No. 03-2-25

AN ORDINANCE AMENDING CHAPTER 6, BUSINESSES, ARTICLE 12: MOBILE FOOD ESTABLISHMENTS.

ORDINANCE NO. 03-2-25

THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON DOES ORDAIN THAT THE FOLLOW SUBSECTIONS OF SECTION 6-12-463 FOOD TRUCKS BE AMENDED TO READ AS FOLLOWS:

SECTION 1.

Subsection (F) Sanitation Requirements

Subsection (5) Service Base Required

- (a) All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence, garage, or other structure unless approved by a Wisconsin state certified health department.
- (b) Any food item desired to be cooked or prepared on the mobile food establishment shall first be inspected by a Wisconsin state certified health department.
- (c) All mobile food units shall be cleaned and serviced as often as necessary from the service base, as required by a Wisconsin state certified health department.
- (d) The service base shall be inspected and approved by a Wisconsin state certified health department prior to operating the mobile food establishment.
- (e) Repealed.

Subsection (G) Conduct of Business

Subsection (1) Regulations Generally

(1) Regulations Generally

The following regulations shall apply to mobile food establishments during the regular order of business:

- (a) No person shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his

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or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.

- (b) A licensee shall not use the license provided by the Village of Ashwaubenon after expiration or revocation of the license.
- (c) A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale are well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.
- (d) A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise within the Village of Ashwaubenon between the hours of 6:00 a.m. and 10:00 p.m. All sales within the Sports and Entertainment (SE) Zoning District of the Village of Ashwaubenon, shall be allowed between the hours of 6:00 a.m. and 2:00 a.m.
- (e) No Mobile Food Establishment shall be allowed to park on a public or privately owned parcel within the Village of Ashwaubenon, other than its own Service Base, or in a structure, lot, or driveway owned by the licensee, between the hours of 2:30am and 5:30am.
- (f) No mobile food establishment shall conduct business at a stationary location for a duration exceeding twenty (20) hours per location per day.
- (g) All persons conducting business near a sidewalk or terrace must maintain within twenty-five (25) feet of their sales location, a clean and hazard-free condition, and shall not discharge any materials, food waste, water utilized for food preparation, or cleaning liquids onto the street, sidewalk, gutters, catch basins, manholes or storm drain. Each person conducting business as a Mobile Food Establishment under the provisions of this chapter shall provide a minimum thirty-two (32) gallon trash container for placement of such litter by customers or other persons. The use of village refuse containers is strictly prohibited.
- (h) A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subchapter.

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- (i) No mobile food establishment may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity or without having received signed written permission.
- (j) No mobile food establishment shall conduct business on public streets, alleys, sidewalks or other public grounds or land dedicated to public use unless otherwise authorized with written permission by the Department of Public Safety. No mobile food establishment shall conduct business on public parks, playgrounds unless authorized with written permission by the Department of Parks and Recreation. This subsection shall not apply to mobile food establishments whose sales primarily generate from ice-cream and frozen novelties.
- (i) All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.
- (k) No food service shall be prepared, sold, or displayed outside of the mobile food establishment.
- (l) No person or business shall provide or allow any dining area to the mobile food establishment, including but not limited to tables, chairs, booths, stools, benches or stand up counters. No structures other than the mobile food establishment canopy may be utilized. Tents are prohibited. This subsection shall not apply if the mobile food establishment is conducting business on private property and has received permission from the property owner.
- (m) Signage may only be permitted when placed on the mobile food establishment. No separate free-standing signs are permitted.
- (n) No mobile food establishment may sell or vend any food or beverages in glass containers or glassware.
- (o) No mobile food establishment may sell or offer alcoholic beverages.

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Subsection (G) Conduct of Business

Subsection (3) Zoning Restrictions

- (a) The vendor of the mobile food establishment shall not operate where such operation may impede or inconvenience public use of alleys, sidewalks, streets, public parks and playgrounds, libraries, or other public grounds or land dedicated to public use, unless otherwise authorized by the Department of Public Safety or Department of Parks and Recreation.
- (b) The vendor of the mobile food establishment may not prepare, cook, sell, or vend within 300 feet of school grounds unless part of a non-profit or civic event where written permission was received by the respective school and/or school district.
- (c) No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.
- (d) Reserved.
- (e) No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a village or county official.
- (f) No mobile food establishment shall conduct business within 300 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the Village of Ashwaubenon unless the licensee has obtained written permission from the event sponsor.

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- (g) No person may conduct business on a sidewalk in any of the following places:
 - (i) Within twenty (20) feet of the intersection of the sidewalk with any other sidewalk.
 - (ii) Within ten (10) feet of the extension of any building entrance or doorway to the curb line.
 - (iii) Within three hundred (300) feet of any portion of a building or structure which conducts business that sells a food product, during the hours the particular business is open for sale, unless written permission is granted by the business.
- (h) A mobile food establishment may be permitted in all zoning districts except within any residential zoning district. This subsection shall not apply to mobile food establishments whose sales primarily generate from ice-cream and frozen novelties.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on April 23, 2025, and shall expire on April 28, 2025.

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This ordinance was approved / denied by the Village of Ashwaubenon Board of Trustees on the ____ day of March 2025.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____

Mary Kardoskee, Village President

ATTEST:

Kris Teske, Clerk

{SEAL}

Motion to Approve/Deny Ordinance No. _____ made by: _____ seconded by: _____

Votes:

Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)	T. Flucke			
President	M. Kardoskee			

Date of Publication: