

CHAPTER 15

LICENSING, PERMITS AND REGULATION OF TRADES AND OCCUPATIONS

15.01 GENERAL PROVISIONS.

- (1) **LICENSES REQUIRED.** A license shall be required for each business or activity indicated in this Chapter. A license fee shall be for one (1) year unless otherwise indicated. The words license and permit as used in this Chapter, shall be interchangeable.
- (2) **LICENSEES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS, AND CLAIMS.**
 - a. **Payment of Claims.** The City shall not issue or renew any license to transact any business within the City of Fountain City:
 - i. For any purposes for which taxes, assessments or other claims of the City are delinquent and unpaid.
 - ii. For any person who is delinquent in payment:
 1. Of any taxes, assessments or other claims owed the City; or
 2. Of any fine resulting from a violation of any City Ordinance.
 - b. **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection A above only following notice and opportunity for hearing as provided by Subsection C below.
 - c. **Hearings for Denials.** Where an individual, business or corporation wishes to appeal a decision not to issue a license or permit under this Chapter:
 - i. With respect to licenses renewable under Section 15.02, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time, and by City Ordinance
 - ii. With respect to licenses in this Chapter other than those in Section 15.02, the applicant may file a request in writing with the City Clerk that the matter be referred to the Common Council. The Common Council shall consider all relevant information and shall render a decision which shall be binding.
- (3) **FEES.**
 - a. **Fees.** Fees for all licenses shall be set forth in the City of Fountain City Fee Schedule. **Payment.** All fees shall be payable to the City of Fountain City. Fees shall be paid to the City Clerk prior to the issuance of a license.
 - b. **Refund of License and Permit Fees.** Once an application for licensure or permit been made under this Chapter and the required fee paid, the fee is non-refundable regardless of whether the license or permit is granted.
- (4) **SEVERABILITY.** If any provision of this Chapter or application thereof to any person or circumstances be held invalid, the remainder of this Chapter and the application of such provision to other persons or circumstances shall not be affected. The City of Fountain City reserves the right to amend or repeal this Chapter at any time upon proper notice; and all rights, privileges and immunities conferred by this Chapter or by acts done pursuant hereto shall exist subject to such power.
- (5) **PENALTIES.**
 - a. **Fines.** Any person who violates any provision of this Chapter, or fails to comply with a lawful order of the City of Fountain City to correct a violation of this Chapter shall, upon conviction of the violation, pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) unless otherwise set forth in this Chapter or by Wisconsin Statute for each violation together with the costs of prosecution and in

default of payment of such fine and costs of prosecution shall be imprisoned in the County jail until such fine and costs of prosecution are paid, but not exceeding ninety (90) days for a first offense. Each day of violation shall constitute a separate offense.

- b. **Refusal to Issue Licenses.** No person may obtain licenses in the City of Fountain City while that person is failing or refusing to correct a violation after having been convicted of that violation.
- c. **Action to Enjoin.** The City Attorney may, in addition to, or in lieu of other remedies provided by law, bring an action to enjoin a person from committing repeated violations of this Chapter.

15.02 FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR.

- (1) STATE STATUTES ADOPTED. The provisions of Ch. 125, Wis. Stats., relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.
- (2) DEFINITIONS. The definitions set forth in Sec. 125.02, Wis. Stats. are adopted in their entirety as if set forth herein.
- (3) PENALTIES.
 - a. Fines for violations of Secs. 125.07(1)-(5) and 125.09(2), Wis. Stats. shall conform to the penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
 - b. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.
- (4) LICENSE REQUIRED. No person shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this chapter nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by Wis. Stats. Secs. 125.16, 125.27, 125.28 and 125.51.
- (5) CLASSES OF LICENSES
 - a. **Retail Class "A" Liquor License.** A Retail Class "A" Liquor License, when issued by the City Clerk under the authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
 - b. **Retail Class "B" Liquor License.** A Retail Class "B" Liquor License, when issued by the City Clerk under authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
 - c. **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" Retailer's Fermented Malt Beverage License, when issued by the City Clerk under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles.
 - d. **Class "B" Fermented Malt Beverage Retailer's License.** A Class "B" Fermented Malt Beverage Retailer's License, when issued by the City Clerk under the authority of the Common Council, shall entitle the holder thereof to possess, sell or offer for sale,

fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) percent of alcohol by volume, without obtaining a special license to sell such beverages.

e. Temporary Class "B" Fermented Malt Beverage or Wine License.

i. **License.** A Temporary Class "B" Fermented Malt Beverage or Wine License, when issued by the City Clerk under authority of the Common Council, as provided for in Secs. 125.26(6) and 125.51(10), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages, wine or both at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, chamber of commerce, associations or agricultural societies, lodges or societies that have been in existence for not less than six (6) months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Common Council. Irrespective of other Sections of this Chapter, the Common Council is hereby authorized to issue a Fermented Malt Beverage or Wine License to any local civic, or any local religious or any local not-for-profit organization pursuant to this Section.

ii. **Application.** Application for such license shall be signed by the president or corresponding officer of the organization making such application and shall be filed with the office of the City Clerk together with the appropriate license fee as set forth on the City of Fountain City Fee Schedule. Such application shall clearly specify whether the application is for fermented malt beverages, wine or both. The license shall specify the hours and dates of license validity. The application for an event lasting more than four (4) days shall be filed a minimum of fifteen (15) days prior to the meeting of the Common Council at which the application will be considered. The application for an event lasting four (4) days or less shall be filed a minimum of seven (7) days prior to the meeting of the Common Council at which the application will be considered. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility

iii. **Issuance.** Any license under this Subsection may be issued directly by the City Clerk without approval of the Common Council in the event that the City Clerk determines that all criteria for the issuance of such license are met.

f. **Retail Class "C" Wine License.** A Retail Class "C" Wine License, when issued by the City Clerk under the authority of the Common Council, shall permit its holder to sell, deal, and traffic in wine to be consumed by the glass or in an opened original container for consumption on the premises where sold.

(6) **LICENSE FEES.** There shall be the following classes and denominations of licenses which, when issued by the City Clerk under the authority of the Common Council after payment of the required fee as set forth in the City of Fountain City Fee Schedule shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Wis. Stats. Chapter 125. All licenses shall be reviewed annually unless otherwise indicated:

- a. Retail Class "A" Liquor License.
- b. Retail Class "B" Liquor License.
- c. Class "A" Fermented Malt Beverage Retailer's License.
- d. Class "B" Fermented Malt Beverage Retailer's License.
- e. Temporary Class "B" Fermented Malt Beverage or Wine License.
- f. Retail Class "C" Wine License.

(7) **APPLICATION FOR LICENSE.**

a. **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 - 887.04,

Wis. Stats., and shall be filed with the office of the City Clerk at least fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.

- b. **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- c. **Publication.** The application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be published once in a weekly publication in the official City newspaper and the costs of publication shall be paid by the applicant.
- d. **Amending Application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- e. **License Quotas.** The quota for licenses under this Chapter shall be pursuant to Ch. 125, Wis. Stats.

(8) QUALIFICATION OF APPLICANTS AND PREMISES

- a. **Statutory Requirements.** Licenses shall not be issued to any persons ineligible therefore under Sec. 125.04, Wis. Stats.
- b. **Residence Requirements.** All licenses related to alcoholic beverages shall be granted only to natural persons who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of application.
- c. **Applicant to have Malt Beverage License.** No Retail Class "B" Intoxicating Liquor License shall be issued to any person who does not have or to whom is not issued a Class "B" Retailer's License to sell fermented malt beverages.
- d. **Right to Premises.** No applicant will be considered unless they have the right to possession of the premises described in the application for the license period, by lease or by deed.
- e. **Age of Applicant.** No license hereunder, except Operator's Licenses, shall be granted to any underage person as defined by the Wisconsin Statutes. Operator Licenses may be issued only to applicants who have attained the age of eighteen (18) years of age.
- f. **Corporate Restrictions.**
 - i. No license shall be granted to any corporation or limited liability company which does not comply with the provisions of Sec. 125.04(6), Wis. Stats.
 - ii. Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats.

(9) GRANTING OF LICENSE.

- a. Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Common Council, the City Clerk shall issue to the applicant a license, upon payment by the applicant of the fee to the City.
- b. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the City.

(10) TRANSFER OF LICENSE.

- a. **As to a Person.** No license shall be transferable to a licensee except as provide in Sec. 125.04(12), Wis. Stat. and upon such form and payment of such fee as required by the City Clerk's office.
- b. **As to Place.** Licenses issued pursuant to this Chapter may be transferred as provided in Sec. 125.04(12), Wis. Stats. Application for such transfer shall be made on applications furnished by the Wisconsin Department of Revenue. Proceedings for such transfer shall be had in the same manner and form as an original application.

- c. **Change of Agent.** No change of agent may be made except as provided in Sec. 125.04(6), Wis. Stat. for the remainder of the license year or until another agent is appointed. Change of agent shall be made upon such form and payment of such fee as required by the City Clerk's office. Until the next regular meeting or special meeting of the Common Council, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the City Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Common Council until the successor agent or another qualified agent is appointed and approved by the City and the Wisconsin Department of Revenue.

(11) **NUMBERING OF LICENSES.** All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee. The City Clerk shall affix to the license their affidavit as provided by Sec. 125.04(4), Wis. Stats.

(12) **POSTING LICENSES AND SIGNS.**

- a. Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- b. All organizations issued a liquor license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person.
- c. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

(13) **REVOCAION AND SUSPENSION OF LICENSES.**

- a. **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- b. **Abandonment of Premises.** Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference they may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The loss or non-use of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Common Council. All persons issued a license to sell alcohol beverages in the City for which a quota exists limiting the number of such licenses that may be issued by the City shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.
- c. **License Revocation or Suspension.** Whenever the holder of any license or permit under this ordinance shall violate any portion of the ordinance or any regulation adopted pursuant thereto, proceedings for the suspension, revocation, or non-renewal of said license or permit may be instituted in the manner and under the procedure established by Ch. 125, Wis. Stats., and the provision therein relating to the granting of a new license shall likewise be applicable.
- d. **Non-renewal of License.** The City Attorney may, after investigation, recommend to the Common Council that a license issued pursuant to this Chapter not be renewed. The Mayor shall, in writing, notify the licensee of the consideration of non-renewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or

suspension. If the license is recommended for non-renewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subsection C above shall apply.

- e. **Other Provisions.** Any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Common Council by amendment to this Section or by the enactment of new ordinances. If any licenses shall fail or neglect to meet the requirements imposed by such new restrictions and regulations their license may be revoked in accordance with this Section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

15.03 OPERATOR'S LICENSE.

- (1) **OPERATOR'S LICENSE REQUIRED.** There shall be upon the premises operated under a Class "A" or Class "B" Intoxicating Liquor License or Class "A" or Class "B" Fermented Malt Beverage License or Class "C" Wine License at all times the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" or Class "C" Licenses unless they possess an Operator's License or unless they are under the immediate supervision of the licensee or a person holding an Operator's License who shall be upon the premises at the time of such service.
- (2) **APPLICATION PROCEDURE.**
 - a. **Application.** An Operator's License shall be granted only upon application in writing on forms to be obtained from the office of the City Clerk only to persons eighteen (18) years of age or older. Operator's Licenses shall be operative only within the limits of the City and shall be granted only to persons who are citizens of the United States.
 - b. **Operator's License Fee.** At the time the application is submitted, a fee shall be paid as set forth on the City of Fountain City Fee Schedule which shall be reviewed annually.
 - c. **Provisional Operator's License.** The City Clerk may issue Temporary or Provisional Operator's Licenses in accordance with Sec. 125.17(5), Wis. Stats., at a cost shown on the City of Fountain City Fee Schedule, which shall be reviewed annually. The Provisional Operator's License shall expire sixty (60) days after its issuance or when an Operator's License is issued to the holder, whichever is sooner. A Provisional Operator's License may not be issued to any person who has been denied an Operator's License by the City Clerk or who has had their Operator's License revoked or suspended within the preceding twelve (12) months. The office of the City Clerk shall provide an appropriate application form to be completed in full by the applicant. The City Clerk may revoke a Provisional Operator's License issued if they discover that the holder of the license made a false statement on the application.
- (3) **LICENSE ISSUANCE.** Pursuant to Sec. 125.17, Wis. Stats., the City Clerk may issue an Operator's License upon approval of the application by the Common Council. Pursuant to Sec. 125.17, Wis. Stats., the City Clerk may issue a Provisional Operator's License without prior approval from the Common Council. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (4) **DURATION.** Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June. Any license issued hereunder shall commence on July 1st of each year. The fee for a license shall be paid to the City Clerk and their receipt therefor filed with the office of the City Clerk with the application for such license.

- (5) **DISPLAY.** Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or the operator shall have in their possession a license card.
- (6) **REVOCAION.** Violation of any of the terms or provisions of the State law or of this Chapter relating to Operator's Licenses by any person holding such operator's license shall be cause for revocation of the license.

15.04 CIGARETTE LICENSE.

- (1) **LICENSE REQUIRED.** No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, tobacco product, nicotine product or any substitute therefor, without first obtaining a license as hereinafter provided.
- (2) **LICENSE APPLICATION.** Applicants for a Cigarette License must complete and return an application form furnished by the office of the City Clerk. At the time the application is submitted, a fee shall be paid as set forth on the City of Fountain City Fee Schedule which shall be reviewed annually.
- (3) **ISSUANCE.** The City Clerk shall issue a license upon approval of the application by the Common Council. The licensee shall comply with the restrictions and training requirements set forth in Sec. 134.66, Wis. Stats.
- (4) **TERM OF LICENSE.** Each license shall be issued on July 1 in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30 unless sooner revoked for any violation of this Section.

15.05 PAWNBROKERS AND SECOND-HAND ARTICLE DEALERS.

- (1) **STATE STATUTES ADOPTED.** Except as otherwise specifically provided in this Code of Ordinances, the provisions of Sec. 134.71, Wis. Stats., describing and defining regulations with respect to pawn brokers and secondhand article dealers, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, is hereby adopted and by reference made part of this Section as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of Sec. 134.71, Wis. Stats., as incorporated herein are intended to be made part of this Section in order to secure to the extent legally practicable uniform regulation of pawn brokers and secondhand dealers.
- (2) **LICENSEING PROCEDURE.**
 - a. **License Required.** No person, firm or corporation shall, in any manner operate without a Pawn Brokers and Secondhand Article Dealers License, without first obtaining a license as hereinafter provided.
 - b. **License Application.** Applicants for a Pawn Brokers and Secondhand Article Dealers License must complete and return an application form furnished by the office of the City Clerk. At the time the application is submitted, a fee shall be paid as set forth on the City of Fountain City Fee Schedule which shall be reviewed annually.
 - c. **Investigation.** The City Clerk shall notify the Police Department of each new application for license and these officials shall inspect or cause to be inspected each application, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances

and laws applicable thereto. The City Clerk shall furnish to the Common Council any information derived from such investigation.

- d. **Issuance.** The City Clerk shall issue a license upon approval of the application by the Common Council. All licenses issued herein shall be for one (1) year ending on the 30th day of June and shall not be transferable.

15.06 MOBILE FOOD VENDORS.

(1) DEFINITIONS.

- a. "Mobile food establishment" means a restaurant or retail food establishment where food is served or sold from a mobile food truck, mobile food trailer, mobile sidewalk cart, or temporary food booth, tent or stand.
- b. "Mobile food truck" means a vehicle specifically designed and used for cooking, keeping, storing or warming food or beverage which are for sale by a vendor, which may move under its own power.
- c. "Mobile food trailer" means a trailer specifically designed and used for cooking, keeping, storing or warming food or beverage which are for sale by a vendor, which does not move under its own power, but may be towed by a vehicle.
- d. "Mobile food vendor" means a vendor selling from a mobile food establishment.
- e. "Mobile sidewalk cart" means a bicycle cart or a wheeled pushcart, specifically designed and used for keeping, storing, or warming food or beverage which are for sale by a vendor, which may be moved by one person without the assistance of a motor. Each sidewalk cart shall be non-motorized and capable of being moved and kept under control by one person.
- f. "Temporary farm stand" means a booth, tent, or stand which exclusively sells non-processed raw agricultural products.
- g. "Temporary food booth, tent, or stand" means a booth, tent, or stand vending unit which sells food or beverages.

(2) EXEMPTIONS.

- a. **Mobile Food Establishments Operating at Special Events.** Mobile food establishments are exempt from City licensing procedures set forth in sections 15.06 (4), 15.06 (5), 15.06 (6), and 15.06 (7) if operating in conjunction with a permitted Special Event, as described in section 15.07 of this Chapter, or a designated City-sanctioned event, provided the vendor is fully permitted through the Buffalo County Health Department, the State of Wisconsin, or any other applicable permitting entities. The requirements of Section 15.06 (8) still apply, except for the requirement to display a copy of the approved license in Section 15.06 (8)(a).
- b. **Non-Profit Operators.** Non-profit group temporary food booths, tents, and stands are exempt from licensing procedures set forth in this chapter. Non-profit groups may operate on private property if granted permission, and if public health, safety and welfare is not compromised, as determined in the City's discretion. Non-profit groups may vend in public places as designated in this ordinance subject to acquiring express written permission from the City, and further adhering to any conditions required by the City. Such conditions may address compensation for use of City property as well as limitations on hours of operation and specific places of operation. Non-profits groups may also operate in conjunction with permitted special events.
- c. **Farm Stand Operators.** Temporary farm stands are exempt from licensing procedures set forth in this chapter and may operate on private property if granted permission, and if public health, safety and welfare is not compromised, as determined in the City's discretion. Temporary farm stands may vend in public places designated in this chapter subject to acquiring written permission from the City, and further adhering to any conditions required by the City. Such conditions may address compensation for use of City property as well as limitations on hours of operation and specific place.

- (3) **ENFORCEMENT.** The enforcement of this article shall be under the jurisdiction of the Police Department, who shall have the power to inspect to determine compliance with this article.
- (4) **LICENSE REQUIRED.** No person shall operate a mobile food establishment without first obtaining a license in compliance with the provisions of this Chapter. A separate license is required for each stand/unit.
- (5) **APPLICATION.** Unless operating in conjunction with a permitted Special Event as described in 15.07 (2), each owner of a mobile food establishment that wishes to operate in the City of Fountain City shall annually file an application for a mobile food vendor operator's license with the City Clerk or designee on forms provided by the City. The applicant should expect at least five (5) business days at minimum for investigation and inspection of the application, which must be completed prior to consideration of the application by the Common Council. Each applicant shall pay an established license fee before a license is issued. The application form provided shall require the following information from the applicant:
- a. Name, address and telephone number of the person or company that owns the unit.
 - b. Make, model and license number of any vehicle or trailer to be used in the operation, including a copy of the vehicle registration.
 - c. At the time of filing the application, the applicant shall present a driver's license or other acceptable picture proof of identification to the Clerk for examination.
 - d. A copy of the vendor's proof insurance as required by 15.06 (8)(e).
 - e. A copy of the vendor's State of Wisconsin Seller's Permit.
 - f. 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.
 - g. The location or locations from which the applicant desires to operate the unit. A copy of written permission is required to operate on private property, if applicable.
 - h. A copy of the applicant's food-related permit issued by Buffalo County Department of Health and Human Services, the State of Wisconsin, or other agency with jurisdiction.
 - i. The address of the mobile food vendor service base of operation and evidence of satisfactory inspection of the said service base.
- (6) **LICENSE FEE AND DURATION.**
- a. **Fee.** At the time of the license application, a nonrefundable fee in the amount established on the City of Fountain City Fee Schedule shall be paid to the City Clerk.
 - b. **Duration.** All licenses issued herein shall be for one (1) year ending on the 30th day of June and shall not be transferable.
- (7) **INVESTIGATION AND LICENSE ISSUANCE.**
- a. Upon receipt of each application from the City Clerk, the Fountain City Police Department shall conduct an investigation of the statements made on such application.
 - b. The Fire Department may inspect or cause to be inspected each stand/unit, to determine whether it complies with all laws, ordinances, rules and regulations.
 - c. The City Clerk shall issue a license upon approval of the application by the Common Council.
- (8) **PROHIBITED AND REQUIRED ACTS.**
- a. Vendor is required to display contact information and a copy of the approved license from the City.
 - b. Mobile food vendors are prohibited from use of city water, electricity or other utilities in the course of its operations unless explicitly provided permission from the City of Fountain City with an arrangement made for compensation.
 - c. **Garbage Requirements** – The licensee and his or her employee(s) shall be responsible at all times for the removal of all refuse resulting from his or her business or customers' use of his or her business. Such refuse shall be placed solely in the mobile food

establishment's waste bins. All such containers shall be kept covered with a tight-fitting lid. No mobile food establishment shall discharge any material onto the street, sidewalk, gutters, storm drain or the property of another, including, but not limited to, public property. Operators are responsible for ensuring that all waste is disposed of in accordance with city regulations and for maintaining all areas used for food vending and customer activity in a safe and clean condition.

- d. Specified Locations of Operation:
 - i. No mobile food vendor may conduct business at any City-owned or controlled location unless expressly permitted by the City of Fountain City
 - ii. All mobile food vendors shall be located on a paved surface at all times, unless expressly allowed.
 - iii. All mobile food vendor business activity taking place in the public right-of-way shall be conducted from the curbside of the vehicle at all times, unless expressly approved by the City.
 - iv. No mobile food vendor shall operate in a way that impedes pedestrian or vehicle circulation.
 - v. A copy of written permission from the property owner is required to operate on private property
 - e. Insurance requirements – Mobile food vendors required to obtain a license with the City of Fountain City shall provide proof of liability insurance for any single accident and for any property damage in the amount of \$250,000 for a mobile sidewalk cart or \$1,000,000 for any other mobile food vendor. Such liability insurance shall be in effect at all times the vendor is licensed in accordance with this section. A certificate of insurance for such coverage shall be delivered to the City Clerk or designee prior to issuance of a license. If such insurance coverage is cancelled, not renewed, or changed, the insurer and licensee shall immediately provide notice to the City Clerk or designee. Failure to maintain such insurance may result in the suspension or revocation of the license.
 - f. Each mobile food vendor platform or vehicle shall have valid license plates and registration as required by Chapter 341, Wis. Stats.
 - g. Each mobile food vendor platform or vehicle shall be in compliance with all Federal, State and local laws or regulations which govern motor vehicles
 - h. Each mobile food vendor platform or vehicle shall be in safe, operable condition
 - i. Distance Restriction from Restaurants Generally – Mobile food vendors are prohibited from conducting business within two hundred (200) feet of a public entrance of any business which is a licensed or permitted restaurant by the Buffalo County Health Department during the hours the subject business is open to the public, unless written permission is granted by the business.
 - j. Distance Restriction from Restaurants during Special Events – During permitted special events, mobile food vendors may not operate within one hundred (100) feet of a public entrance of any business which is a licensed or permitted restaurant by the Buffalo County Health Department during the hours the subject business is open to the public, unless written permission is granted by the business. Operating on Private Property – Mobile food vendors shall be prohibited from conducting business 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 if operating on property that is not personally owned by vendor. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.
- (9) RENEWAL. The license holder shall, on an annual basis, file a City-authorized renewal application form prior to the expiration of the license, in the same manner as the initial application.
- (10) REVOCATION OR SUSPENSION. The issuance of a mobile food vendor license is conditional at all times. A license may be revoked or suspended by the Police Department when necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to noncompliance of this section, this Code or applicable State or Federal laws.

15.07 SPECIAL EVENT RELATED PERMITS.

- (1) **PURPOSE.** The City of Fountain City recognizes that Special Events organized by individuals, private organizations, and non-profits serve an important role in enhancing the City's quality of life and can provide benefits to the community as a whole. In an effort to treat all persons and groups uniformly, to facilitate the successful staging of these special events, and to be mindful of the efficient use of available facilities and resources, the City will commit staff time and facilities to review applications to hold special events and assist the organizers as needed to ensure that special events have an overall positive effect upon the community and its resources. The City will review Special Event applications for the purpose of assisting the event organizer in complying with various applicable public safety requirements, as well as be involved during the special event as needed to protect the safety and welfare of the public, and resources owned by the public. During the City's review and oversight in this process, the City will address traffic and parking issues, health and safety issues related to the participants and the public, effects upon neighboring properties, fire potential, explosions, disorder and other dangers to persons or property, preservation of peace and order, sanitation, and the overall safeguarding of the public health. The City will also consider the potential diversion of public health, safety, and emergency services from their regular and necessary duties, and the additional costs of providing public services necessary to protect the public health, safety, and welfare associated with special events.
- (2) **DEFINITIONS.**
 - a. **Special Event.** A temporary gathering of people on public or private property and involving at least one (1) of the circumstances listed below. The Mayor, or their designee, shall have the exclusive authority to determine whether or not an event meets the criteria to be considered a Special Event.
 - i. Will require extraordinary services by any City Department;
 - ii. Will involve the temporary closing of a public street, alley, or public right of way;
 - iii. Temporary installation or construction of structures, including but not limited to tents, stages, etc.;
 - iv. Exclusive use of all or part of waterways
 - v. Will require heave use of City-owned facilities within the City boundaries such as buildings, parks, open spaces, streets, parking lots, athletic fields, boat launches, etc., but does not include normal park shelter use;
- (3) **PERMIT EXEMPTIONS.** Not all Special Events will require a Special Event permit. If an event meets the definition of "Special Event," then a Special Event permit is required except for the following situations:
 - a. Athletic events wholly contained on property specifically designed or suited for the athletic event. (Examples: baseball tournaments, volleyball tournaments, bowling)
 - b. Funeral processions.
 - c. Events organized solely by the City.
 - d. Events which enter into a separate and specific agreement, which is approved by the Common Council, to hold the event pursuant to the terms of the individual agreement. The Council is authorized to modify the terms or requirements of this Ordinance within such an agreement, provided the modifications meet the spirit if not the letter of this Ordinance.
 - e. Military Convoys
 - f. Events fully contained on private property within a commercial zoning district
- (4) **PERMITTING PROCEDURE.**
 - a. **Permit Required.** No person or entity acting as an event organizer shall set up for, hold, or conduct a Special Event, within the municipal boundaries of the City of Fountain City without first obtaining a Special Event permit.

- b. **Permit Application and Fee.** Event organizers shall complete a Special Event Permit and file the application and associated non-refundable fee as set forth on the City of Fountain City Fee Schedule with the office of the City Clerk. The permit application fee is separate from other fees, licenses, and from any requirement to reimburse the City for the actual cost of Extraordinary Services required for the permitted event, or for damage or destruction resulting from the event. Special Events must comply with all applicable City ordinances and requirements and event organizers shall use all reasonable efforts to ensure compliance of participants / attendees with all applicable City ordinances.
- c. **Permit Types.** Variations of the general Special Event Permit may exist for specific categories of events, such as fishing tournaments or road races. The information requested on these Special Event Permit Applications may be specific to the event type.
- d. **Permit Approval.** The Mayor or their designee shall review the Special Event Permit Application and approve or deny the application.
- e. **Event Cancellation.** The Mayor may cancel a Special Event, regardless of whether or not a permit has been issued, without prior notice for any significant change in conditions which would or may adversely affect the public health or safety of the community, or for any condition that would place facilities, grounds, or other nature resources at risk of damage or destruction if the event were permitted to take place.

(5) ADDITIONAL REGULATIONS FOR SPECIAL EVENTS.

- a. **Indemnification and Hold Harmless Requirement.** Depending upon the nature of the Special Event, and prior to the issuance of a Special Event permit, the organizers of a Special Event may be required to sign an agreement in a form acceptable to the City in which they agree to indemnify the City of Fountain City, and its departments, and hold the City and its departments, employees, and agents, harmless from any liability to any person resulting from any damage or injury to property or any person which occurs in connection with the permitted event proximately caused by any actions or inactions of the event's organizer, their officers, employees, or agents, or any person under their control insofar as permitted by law.