

# Public Safety and Licensing Committee (PS&L)

of the City of Racine, Wisconsin

## AGENDA BRIEFING MEMORANDUM

<b>AGENDA DATE:</b>	<b>Public Safety &amp; Licensing</b> March 12 & 26, 2019 <b>Common Council</b> March 19 & April 2, 2019
<b>SUBJECT:</b>	Ord. XXXX-19 Proposed amendments to Chapter 22 of the Municipal Code related to the operation of mobile food establishments
<b>PREPARED BY:</b>	Jeff Towne, Economic Development Specialist
<b>EXECUTIVE SUMMARY:</b>	<p>Staff is responding to requests from vendors and community groups to create standards for mobile food establishments that define licensing and operational requirements. The growing popularity of food trucks and other mobile food establishments has created a need to draft standards specifically designed to address the operation of these facilities/uses. Such uses are currently allowed to operate within the City after obtaining the appropriate food/restaurant license and a Hawker's and Peddler's (Street Vendor) license, but there is not a specific code section that establishes clear standards for mobile food vending.</p>
<b>BACKGROUND &amp; ANALYSIS:</b>	<p>The current system has mobile food vendors obtaining a Hawker's and Peddler's (Street Vendor) License and operating under the same regulations as balloon vendors at a parade or door to door salespersons. This system does not adequately address the complexity of mobile food vending, which includes compliance with applicable State Statutes regarding restaurant licensing under DATCP 75, fire codes, and having local regulations for the placement and operation of such uses.</p> <p>The proposed language draws from current scattered code sections and incorporates best practices to create standards for mobile food vendors under a specific code section. Mobile food vendors are generally required to be licensed as a restaurant under State Statutes and this will not change. These restaurant licenses are issued either by the State or through the City of Racine Health Department and focus on the safe preparation and serving of food. The proposed ordinance amendments do not change or affect this aspect of mobile food vending, which is food safety.</p> <p>The proposed Mobile Food Establishment License will take the place of the Hawker's and Peddler's (Street Vendor) License, and will allow a mobile food vendor to operate within the City limits. In developing this ordinance, issues related to application intake and processing, health and fire inspections, hours of operation, trash removal, noise, parking in the right-of-way, and operating on private property have been addressed. The proposed ordinance language establishes operational regulations relative to what other businesses must adhere to. A standard requiring mobile food vendors to locate a minimum of 50 feet from the front entrance of a licensed brick and mortar restaurant has been included. Hours of operation in the right-of-way are consistent with the hours that sidewalk cafes are allowed to operate, and mobile food establishments are not allowed to operate overnight in any location. All vehicular parking regulations must be adhered to and excessive noise may not be generated. Any trash generated by the vendor and their customers must be removed from the area as well.</p> <p>Language throughout the Municipal Code related to Hawker's and Peddler's (Street Vendor) licenses, Special Events and operating on public property has been reviewed for consistency with the proposed ordinance, but operationally these aspects will continue to function as they currently do.</p>

**To Summarize...**

The amendments are being proposed with the knowledge that...

1. The listed uses have not proven to be problematic in and of themselves, and are currently allowed to operate in the City, however,
2. Establishing a clear set of standards for mobile food establishments will eliminate ambiguities in the current code language, create appropriate operational standards, and define a clear path to licensing for vendors and staff.

**Proposed Ordinance Language**

Chapter 22

Article XXXV Mobile Food Establishments Creates this article for mobile food establishments

Section 22-539. Provides definitions of related terms

Section 22-540. Provides the basis for the license required, application and fees and restrictions.

Section 22-541. Provides the basis for required health and fire inspections.

Section 22-542. Maintains existing exemptions for 501(c) (3) organizations, farmer’s markets, special events, a premises extension and sales of unprocessed whole foods.

Section 22-543. Establishes grounds for suspension/revocation of mobile food license

Section 22-544. Maintains existing language regarding distance from special events

Section 22-545. Establishes general provisions applicable to all mobile food establishments

Section 22-546. Establishes provisions applicable to operating in the public right-of-way

Section 22-547. Maintains existing restrictions for operating in city parks or upon city owned property

Section 22-548. Provides standards for operating on privately owned property

Section 22-549 Establishes standards for ice cream sales

Article XVII Street Vendors

Section 22-531-538 Removes mobile food establishments from this section

**BUDGETARY IMPACT:**

N/A

**RECOMMENDED ACTION:**

That Ord. XXXX-19 move forward in the approval process.