

ORDINANCE #396
AN ORDINANCE CREATING ARTICLE XIII OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF MILTON REGULATING MOBILE BUSINESSES

WHEREAS, the City of Milton Personnel and Finance Committee having noted the increasing inquiries to the City concerning the ability to operate mobile businesses within the City as well as inquiries regarding the regulations applicable to said businesses; and

WHEREAS, the City of Milton Personnel and Finance Committee having determined that it is appropriate to enact an ordinance in order to provide for the issuance of a license for mobile businesses and to regulate such activities; and

WHEREAS, the Common Council of the City of Milton having determined that it is in the best interests of the residents, frequenters and businesses of the City of Milton to adopt the recommendation of the Personnel and Finance Committee and to enact regulations providing for the issuance of a mobile business license and the regulation of such businesses;

NOW, THEREFORE, the Common Council of the City of Milton do ordain as follows:

SECTION I. Article XIII of Chapter 14 of the Code of Ordinances of the City of Milton is hereby created to read as follows:

ARTICLE XIII. Mobile Business.

Section 14-700. License Required.

No individual, partnership, corporation or other for-profit entity shall operate a mobile business without first having obtained a mobile business license as provided for in this Article.

Section 14-701. Definitions.

The following words, terms and phrases, when used in this Article shall have the meanings given to them within this section.

Goods means personal property of any kind including but not limited to food products which are prepared or pre-packaged.

Mobile Business means a for-profit business which has no permanent address in the city and which is selling goods from a motor vehicle, trailer, or food cart.

Non-Profit Organization means a corporation, trust or community chest, fund or foundation or other entity organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual.

Section 14-702. Exemptions.

The following shall be exempt from all provisions of this Article:

- (1) Any employee, officer, agent, member of or volunteer for a charitable organization;
- (2) Seasonal sales of fresh produce;
- (3) Direct sellers (see Article II of Chapter 14);
- (4) Sales at events for which a special event permit has been issued pursuant to Article III of Chapter 54;
- (5) Sales at public events held in public parks for which no admission fee is charged.

Section 14-703. License Application.

An applicant wishing to obtain a license per Section 14-700 shall apply to the city clerk for a license. The clerk shall furnish application forms that shall require the following:

- (1) Name of applicant, name of business and business owner, address, cell phone, and driver's license number of licensed operator;
- (2) Copy of Rock County Public Health Department inspection report as required for the sale of food products;
- (3) Proof of commercial liability insurance with limits of not less than \$500,000 and motor vehicle liability insurance with limits of not less than \$250,000 per person and per accident;
- (4) References;
- (5) Site Plan (See Section 14-704);
- (6) Address and/or description of location for which license is being applied for. If on private property, include the written consent of the owner of the property. If on school district property include the written consent of the school district.

Section 14-704. Site Plan.

- (a) Each application for a mobile business license shall include a site plan for the subject property showing, at a minimum, the stationery location of the mobile business, the available customer parking, location of all motor vehicle entrances/exits, proposed lighting, proposed signage as well as proposed signage illumination, and location of public roads.
- (b) The technical review committee shall review applications for mobile business licenses for compliance with the requirements of this section. The technical review committee shall have authority to require modifications to the

proposed site plan in the interest of public safety. After review of such application, the technical review committee shall forward the site plan to the clerk, with its written report stating whether the site plan is in compliance with the requirements of this Article, along with recommendations regarding approval or denial of the mobile business application.

Section 14-705. Investigation.

Upon receipt of each application, the clerk may refer it to the chief of police or person designated by the chief of police who shall make and complete an investigation of the statements made in such application.

Section 14-706. License Issuance.

- (a) Following receipt of the mobile business license application, recommendation of the technical review committee and investigation of the police chief, the clerk may grant the mobile business license application.
- (b) The clerk shall refuse to approve the application if it is determined, pursuant to the investigation described in Section 14-705 that the application contains any material omission or material inaccurate statement or that the applicant was convicted of a crime, the nature of which is directly related to the applicant's fitness to engage in the operation of the mobile business or the applicant failed to comply with any applicable provision of Section 14-703.

Section 14-707. License Restrictions.

- (a) Each license issued shall be approved on an annual basis and shall be in effect from date of approval by the common council to December 31st of the year in which issued.
- (b) The mobile business may be permitted in public parking lots, on commercially-zoned private property with a letter from the property owner verifying permission, or on school district property with a letter from the school district verifying permission.
- (c) Not less than one customer parking stall shall be required for every eight (8) feet of the mobile business.
- (d) Hours of operation are limited to the hours of 7:00 a.m. to 10:00 p.m. Sunday through Saturday.
- (e) No sales of alcoholic beverages are permitted.

- (f) The mobile business must comply with Section 50-72 regarding loud and unnecessary noise. The mobile business may not generate noise louder than levels produced by the equipment used in operating the mobile business.

Section 14-708 Fees.

The application described in Section 14-703 shall be accompanied by a fee in the amount as set forth in the fee schedule established by resolution of the common council.

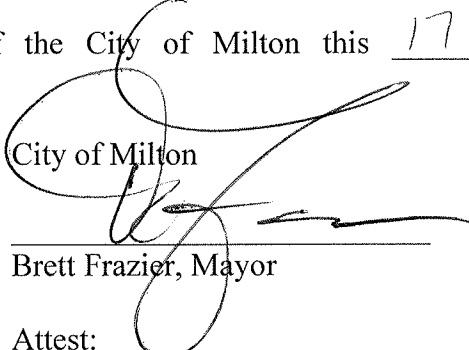
Section 14-709. Penalty.

Any person, firm or corporation violating any provisions of this Article may, upon conviction, have their license revoked and shall further be punished by a forfeiture of not less than \$50.00 or more than \$1,000.00. Each day's violation constitutes a separate offense.


SECTION II. This Ordinance shall take effect from and after its passage and publication as provided by law.

Approved by the Common Council of the City of Milton this 17 day of June, 2014.

City of Milton


Brett Frazier, Mayor

Attest:


Michelle Ebbert, City Clerk

1st Reading: 06/03/2014
2nd Reading: 06/17/2014
3rd Reading: waived
Adopted: 06/17/2014
Published: 06/20/2014

Effect of Ordinance: Establishes license for mobile businesses.

