

Common Council Report

Agenda Item: Discussion and Possible Action Regarding **Ordinance #493** Amending Article XIII of Chapter 14 Regulating Mobile Businesses
Meeting Date: April 6, 2022
Presenter: Jenny Salvo, City Clerk
Department: City Hall

Conformance with Strategic Plan:

- Affordability & Financial Stability
- Safe, Inclusive, Welcoming Community
- Diverse Opportunities for Fun and Life-Long Learning
- High Performing Organization with Professional Staff
- Environment for Business Success with Thoughtful Growth and Development

Summary

On March 15, Council directed Staff to prepare an amendment to Article XIII of Chapter 14 of the Code of Ordinances regulating mobile businesses to allow for less restrictive regulations.

Analysis and Key Issues

Article XIII, Sec. 14-700 to Sec. 14-709 references the approval process for mobile businesses. This article applies only to mobile vending units that meet the definition of *Mobile Business*.

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.

The existing ordinance requires the following:

1. A Mobile Business license application requires submittal of a site plan, references, Rock County Public Health inspection report, and commercial liability insurance.
2. License options include a fee of \$300 for 6 months or \$500 for 12 months.
3. License holder may be permitted in public parking lots, commercially-zoned private property or school property with permission from the owner of the property
4. Site plan must include the location, available customer parking, proposed lighting and signage.

The current ordinance does not provide guidance on businesses that are visiting the City for a limited amount of time less than six months and does allow non-profits to set up a mobile business without a license. Staff has provided recommended changes to the regulations.



The proposed ordinance change would repeal this section and instead create **Sec.** including the following provisions.

- 1) Mobile business are not allowed on public property
 - a. An exemption applies to mobile businesses set up at events for a which a special event permit application has been applied for and approved
- 2) No approval from the City is required if the mobile business will be operating on private property.
- 3) Mobile businesses operating in the city will be required to comply with the following regulations:
 - a. No sales of alcoholic beverages are permitted
 - b. Hours of operation are limited to the hours of 7:00 a.m. to 10:00 p.m. Sunday through Saturday
 - c. Mobile businesses must comply with Section 50-72 regarding loud and unnecessary noise.

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

- 1) Seasonal sales of fresh produce
- 2) Direct Sellers (Article II of Chapter 14 provides regulations)

Fiscal Impact

The proposed eliminate the mobile business license fee may minimally affect the City. No business licenses have been issued in 2021 or yet in 2022.

Recommended Motion

Staff recommends approval of Ordinance #493 amending Article XIII Regulating Mobile Businesses.

Attachments

- Ordinance #493 – Ordinance Amending Article XIII Regulating Mobile Businesses