
ORDINANCE NO. 2023-13**ORDINANCE TO AMEND SECTION 18.112 REGARDING THE SALE OF FOOD OR FOOD PRODUCTS TO ALLOW THE VILLAGE CLERK TO APPROVE**

WHEREAS, the Village Board of the Village of Pewaukee desires to exercise its authority to designate a municipal official to issue Food Vendor Permits;

NOW, THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

SECTION I

Section 18.112 of the Municipal Code of the Village of Pewaukee is amended to revise the definition of abandon and abandonment as follows:

Sec. 18.112. Sale of food or food products regulated.

- (a) Except as otherwise hereinafter specifically provided in this section, no person shall sell or offer for sale any food or food product within or upon any street, alley, sidewalk, public way, or public property within the village.
- (b) *Special restrictive vendor's permit.* Notwithstanding the provisions of subsection 18.112(a), the village board may issue a special restricted vendor's permit in the following circumstances:
 - (1) In conjunction with specially authorized sidewalk sales, fairs, festivals, parades or other special community events, the village board may issue a special restricted vendor's permit that allows the vendor to sell food or food products in a restricted non-residential area during the term of the event.
 - (2) The village board may issue a special vendor's permit that allows the vendor to sell popcorn, candy and other specified confectionery items in residential areas of the village, during daylight hours, during the months of May, June, July, August, and September.
 - (3) No special permit shall be issued to any person who does not have all necessary state and/or federal licenses and/or permits. Certificates shall be dated not more than 90 days prior to the date of application for a permit and permit holders are required to follow all requirements of governmental regulatory services within the Jurisdiction.
 - (4) Application and criteria. A special restricted vendor's permit shall be applied for by submitting an application to the village clerk. Such application may be approved or denied by the village clerk at its discretion. In deciding to deny an application the village board may, at its discretion, consider the following:
 - a. Proposed location;
 - b. Type of food or food products to be sold;
 - c. Marketing methods to be used;
 - d. Public need or convenience;
 - e. Appropriateness of the location;
 - f. Public safety factors;

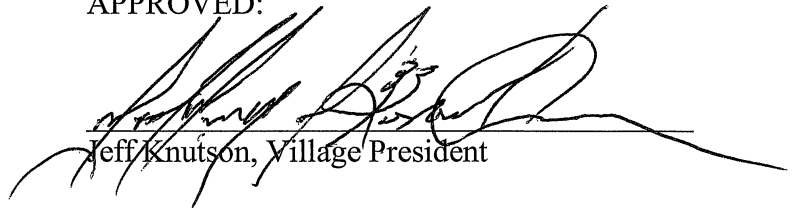
- g. Difficulty of policing;
 - h. Potential for littering, congestion, noise and disturbance;
 - i. Aesthetics;
 - j. The effect on the general neighborhood and abutting properties; the potential interference that such use of a public area may have with the public's right of travel; and the effect on property values in the immediate area;
 - k. Any other factor related to the health, safety, and welfare of the community.
- (5) A special vendor's permit may contain such restrictions as deemed appropriate by the village board to carry out the purposes of this section.
- (6) No special permit issued under this section shall create a property right in the person receiving the permit, and the permit shall be limited to the terms and conditions specified in the permit, and shall automatically expire on the date specified on the permit.
- (7) Permit fee. The village clerk shall collect a fee for each permit issued as set by the village board.
- (8) Food Vendor licenses may be granted to applicants by the village clerk or his or her designee for the purposes of complying with Wis. Stats. § Chapter 97. The village board retains the authority to issue a food vendor license when the village clerk or his or her designee lacks the authority to issue said licenses due to a recommendation of their denial.
- (9) Vendor defined. For purposes of this section the term "vendor" shall mean a person selling or offering for sale food or food products on any street, sidewalk, public way, or other public property, where the point of sale is not a permanent building for which the appropriate commercial licenses and/or permits have been issued.

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this 1 day of August 2023 by the Village Board of the Village of Pewaukee.

APPROVED:



Jeff Knutson, Village President

Countersigned:



Cassie Smith, Village Clerk