

Village of Belmont
ORDINANCE NO. #2023-254

AN ORDINANCE TO CREATE SECTION 9.065 OF THE MUNICIPAL CODE OF THE VILLAGE OF BELMONT, LAFAYETTE COUNTY, WISCONSIN, RELATING TO VENDING ON VILLAGE PROPERTY

THE VILLAGE BOARD OF THE VILLAGE OF BELMONT, LAFAYETTE COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 9.065 of the Municipal Code of the Village of Belmont is hereby created to read as follows:

9.065 VENDING ON VILLAGE PROPERTY

(1) Permit Required. Except as permitted under sub. (2), no person shall engage in the sale of any food or other items on public property or street or in any public park without first receiving a vendor permit issued by the Clerk-Treasurer.

(2) Permit Not Required. The following are not required to have a permit issued under this section:

(a) A person selling only bottled or canned water or soda and no other items does not require a vendor permit. sale of glass. bottles, is prohibited.

(b) A person who operates a business establishment shall not be required to obtain a permit to place items to sell at his or her business establishment on the sidewalk adjacent to his or her business during regular business hours.

(c) A person participating in a farmer's market and who is selling only items that are grown or produced by the seller or the seller's immediate family.

(3) Permit Categories and Fees. The following permit categories are made available to all eligible vendors. Each application for a permit shall designate a site or location. Each permit shall be in effect only for the site or location identified on the permit. Permits shall be displayed in view during operation hours.

(a) Annual Permit. Annual Permits shall be issued on the 1st day of May each year or thereafter when applied for and shall expire on the 30th day of April following its issuance. The fee for an annual permit shall be \$50.00.

(b) Event Permit. Event permits shall be issued for up to 3 days and the permit shall set forth the date of expiration. The fee for an event permit shall be \$5.00 per day.

(c) Waiver of Fees. The Village Board may waive fees for non-profits, governmental or civic organizations upon request.

(4) Prohibited and Required Acts.

(a) A vendor shall not:

1. Offer Sales during the hours of 10 PM to 6 AM of the following morning.
2. Block or restrict an individual's access to their business or residential doorway or entrance.
3. Block pedestrian crosswalks.
4. Use audio or video equipment, such as speakers and video display monitors.
5. Sell or serve food items in glass containers or glassware.

(b) A vendor shall:

1. Acquire any other necessary permits, including, but not limited to, sellers' permits, and restaurant permits prior to applying for the Village vendor permit and adhere to the requirements of any such other permits.
2. Keep all perishable foods in a safe, temperature-controlled, and sanitary condition.
3. Provide a scale for items that are sold by weight.
4. Always be present at the vending site during operational hours.
5. Remove all vending equipment, such as tables and/or truck/van, including all merchandise from the vending location during times when vending is not occurring.
6. Provide a trash receptacle of at least 30 gallons at the vending site for customer use.

(5) Liability Insurance. To hold a valid permit, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the Village, its employees, and agents, harmless against all claims. Liability, loss, damage, or expense incurred by the Village because of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted. As evidence of liability insurance, the applicant shall furnish a Certificate of Liability Insurance providing proof is a commercial general liability insurance naming the Village, its employees, and agents as additional insureds, with minimum limit of \$300,000 in the aggregate including effective dates of coverage.

(6) Permits and Identifying Devices Not Transferable. Permits shall be non-transferable except upon order of the Clerk-Treasurer

(7) Sale of Unwholesome Food Prohibited. No vendor shall sell any food or food products that are unwholesome or tainted, or that is unclean or that has been handled in an unclean matter or has been exposed to unclean or contaminated conditions, or contrary to any rules and regulations adopted by the State of Wisconsin or state or county agency with jurisdiction governing the safe handling of food.

(8) Permit Suspension and Revocation.

(a) Sanitary Conditions.

1. Whenever a health official, which includes a law enforcement officer, finds unsanitary conditions related to the operation of a food vendor or that a violation of state law or administrative rules promulgated by a state agency with jurisdiction governing the safe handling of food is present, and the violation, in the health official's opinion, constitutes a substantial hazard to the public health, safety and welfare, the health official, without warning, notice or hearing, may issue a written notice to the permit holder, operator or employee in charge of the food operation, citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If the health official deems it necessary, the order shall state that the permit is immediately suspended, and all food service operations are to be immediately discontinued. Failure to allow an inspector immediate access to determine whether such grounds exist shall be grounds for suspension or revocation.

2. Any permit issued in accordance with this section is subject to summary suspension or revocation at any time that the holder thereof is guilty of a violation of any of the provisions of this Code or state laws or administrative regulations governing the sale or handling of food. Any person to whom such an order is issued shall immediately comply therewith, but, upon written petition to the Clerk-Treasurer, shall be afforded a hearing before the Village Board within 15 working days of such petition.

(b) For serious or repeated violations of any of the requirements of this section, or for interference with a health official in the performance of his or her duties, a permit may be suspended or revoked after an opportunity for a hearing has been provided by the Village Board. Prior to such action, the Clerk-Treasurer shall notify the permit holder, in writing, stating the reasons for which the permit is subject to suspension or revocation, and advising that the permit shall be suspended or revoked at the end of 5 working days following service of such notice, unless the permit holder files with a Clerk-Treasurer a request for a hearing within such 5-day period.

(c) A suspension of the vendor's permit shall be for not less than 10 days nor more than 30 days and a revocation of the vendor's permit shall be for the remainder of the term of the permit. No person whose vendor's permit is revoked will be eligible for a new vendor's permit for a period of twelve (12) months after revocation.

(d) Hearings provided for in this section shall be conducted by the Village Board at a time and place designated by the Village President. Notice of the date, time and place shall be provided to the permit holder not less than 72 hours prior to the hearing. Such notice may be provided by email or telephonically. The permit holder may present relevant evidence to the Village Board related to the reasons stated in the suspension or revocation notice. The Clerk-Treasurer shall furnish the permit holder with a written report of the hearing decision.

(9) Penalties. Any person who violates any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$20 nor more than \$200. The bond amount shall be \$30.

I, Julie Abing, Clerk-Treasurer of Village of Belmont, Wisconsin, do certify that this Ordinance was adopted by the Belmont Village Board at a meeting held on June 7, 2023.