



City of Wausau  
407 Grant St.  
Wausau, WI 54403

### Street Vendor Permit Application

Make checks payable to the **City of Wausau**

License #: _____
Date & Time Received: _____

Applications must be made at least 7 days prior to event  
City of Wausau Clerk's Office  
407 Grant Street  
Wausau, WI 54403 (715) 261-6620

**Fee:**

Non-Profit Groups:

<b>Product:</b> _____	<b>Type of Mobile Vending :</b> _____
Location/Address: _____	
Event Date (s): _____	Time (s): _____
<b>Name of Applicant:</b> _____	
On Site Operator Name: _____	Date of Birth: _____
Mailing Address: _____	
Email: _____	Phone #: _____
Sellers Permit number: _____	
Menu and Equipment List: _____	
_____	
_____	
_____	
Size of Mobile Unit (Square Feet) _____	
Facility where food is to be prepared/stored (Name, Address): _____	
_____	
Date (s) of Preparation: _____	Time (s): _____
<b>FIXED SITE</b> _____	<b>MOBILE SITE</b> _____
<b>Name(s) and Address of Employee(s) working for the applicant/company:</b>	
_____	_____
_____	_____
_____	_____

I, the applicant, understand that I am responsible for the following:

- No Temporary restaurant shall operate without first obtaining a permit to do so.
- **Contacting a health inspector at (715)261-1900 between 8:00-4:30 am to discuss guidelines and foods. Must have permit from MCHD.**
- Foods not listed on this application and not granted approval prior to the event shall not be served.
- Comply with temporary restaurant guidelines see **[www.publichealthmdc.com/environmental/food/tempFood.cfm](http://www.publichealthmdc.com/environmental/food/tempFood.cfm)**
- Permit may be suspended if serious violations exist.
- Proof of liability insurance with minimum limits of one million dollars (\$1,000,000.00) shall be filed with the City Clerk.
- A current copy of the sellers permit shall be filed with the City Clerk.
- Providing license number, (if applicable) type, and photo or drawing with dimensions of the mobile vending unit(s) and all items included as stated in Chapter 5.62 Mobile vending shall be provided.
- I have read and understand Chapter 5.62 regarding the Mobile vending ordinance.

**APPLICANT NOTICE:**

Background checks will be performed on all applicants. The City of Wausau may suspend, revoke or deny a license issued upon this application if the applicant fails to provide requested information or is not truthful in completion of this application.

The City of Wausau does not issue licenses or permits to any person who has habitually been a law offender or has been convicted of a felony that the City determines substantially relates to the licensing activity unless the person has been duly pardoned.

Even if your license has been granted by Council, it will be held if you owe any outstanding fines, forfeitures or other debts to the City of Wausau.

Because application fees offset the cost to process your application, the fees are non-refundable regardless of whether you obtain a license or not.

Have you been arrested, or have charges pending or been convicted of any offenses, or violations of any federal, state, or municipal laws or ordinances here or any other municipality?

YES       NO (Complete arrest or conviction information below)

**List any additional information regarding your arrest / conviction on the back of this application.**

I hereby testify the above information is true and correct. I agree, in consideration of the granting of this license to comply with the laws of the State of Wisconsin, the City of Wausau Municipal Code and the rules and regulations of the various regulatory agencies and commissions of the City of Wausau pertaining to the supervision of activities permitted under the license for which the application is made. I understand this license may be revoked by the City of Wausau according to the law.

Name \_\_\_\_\_ Statute #/Local Ordinance \_\_\_\_\_  
Charge \_\_\_\_\_ Where Convicted \_\_\_\_\_  
Date \_\_\_\_\_ Penalty \_\_\_\_\_ Misdemeanor \_\_\_\_\_ Felony \_\_\_\_\_



Title 5

BUSINESS LICENSES AND REGULATIONS

5.62 Mobile Vending

Chapter 5.62

MOBILE VENDING

Sections:

- 5.62.010 Definitions.
- 5.62.020 License required.
- 5.62.030 Exemptions.
- 5.62.040 Mobile vending licenses.
- 5.62.045 Special youth vending license.
- 5.62.050 License denial, revocation, and appeals.
- 5.62.060 Restrictions on vending.
- 5.62.070 Fixed site vending.
- 5.62.080 Vending from vehicles or other on-street units.
- 5.62.090 Effect on direct sellers.
- 5.62.100 Penalties.
- 5.62.110 Severability

5.62.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) “Block-face” means one side of a city block between two consecutive streets.
- (b) “Charitable organization” means any patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, person, partnership, association or corporation that is validly registered under Wis. Stat. §440.42.
- (c) “Health department” means the Marathon County Health Department.
- (d) “Licensee” means an applicant who has obtained a license to conduct a mobile vending operation pursuant to this chapter.
- (e) “Mobile vending unit” means any motorized or non-motorized vehicle, trailer, kiosk, push or pedaled cart, stand, display, carried container, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which food, beverages, goods, wares, or merchandise are being peddled, vended, sold, served, displayed, offered for sale or given away. Mobile vending unit does not include a mobile wholesale delivery

unit, a vehicle which is used solely to transport or deliver food, or a common carrier regulated by the state or federal government.

(f) “Mobile vendor” means a person who peddles, vends, sells, serves, displays, offers to sell or give away food, beverages, goods, wares, or merchandise from a mobile vending unit.

(g) “Public streets” as used in this chapter means any highway, street, or alley, located within the corporate limits of the City of Wausau.

(h) “School Property” means all property owned or operated by a public school as defined in Wis. Stat. §115.01(1) or owned or operated by a private school as defined in Wis. Stat. §118.165, grades kindergarten through twelve (12).

(i) “Sidewalk” includes sidewalks and paved boulevards located within the corporate limits of the City of Wausau.

(j) “Vend” means to peddle, vend, sell, serve, display, offer to sell, or give away food, beverages, goods, wares, or merchandise.

5.62.020 License Required. (a) No mobile vendor shall vend from a mobile vending unit on sidewalks or public streets without first obtaining a license as set forth in this chapter.

(b) No license issued under this chapter authorizes the holder to vend in any public park including driveways, parking areas, and public rights of way within city parks.

(c) The license issued under this chapter is in addition to any other local, state, or other federal approvals, permits, or licenses required by applicable law.

5.62.030 Exemptions. The following mobile vendors may vend without a license:

(a) A person, on behalf of a charitable organization, selling individually wrapped, sealed food items that are prepared and packaged by a licensed processor.

(b) Mobile vendors vending from mobile vending units that are approved participants of a Special Event under the city’s Special Events Policy and Procedures.

(c) Mobile vendors vending from mobile vending units located on private property with the approval of the property owner or its authorized agent. (Ord. 61-5619 '1, 2014, File No. 13-0612)

5.62.040 Mobile Vending Licenses. (a) Application. All applicants shall submit a sworn application on a form provided by the city clerk which shall give the following minimum information:

(1) Name, address, telephone number and date of birth of the applicant.

- (2) Name, address, and telephone number of the person, firm, association, or corporation that the applicant represents or is employed by, or whose products are being vended.
- (3) A photograph or drawing, including dimensions, of the mobile vending unit along with identification and depiction of all supporting features including, but not limited to, umbrella, chair and waste receptacle.
- (4) A description of the product(s) to be vended.
- (5) A drawing or map of the single fixed vending site under section 5.62.070, applicable.
- (6) Make, model and license number of any vehicle to be used by applicant in conduct of the business.
- (7) Statement of whether the applicant has been arrested or convicted of any crime or ordinance violation together with the nature of the offense and the place of conviction.
- (8) Copy of a current State of Wisconsin or health department license for the vending of any food items.
- (9) Copy of a current State of Wisconsin Seller's Permit.
- (10) If an applicant intends to use more than one mobile vending unit in the operation of its business, the information required in subsections (3) and (6) must be provided for each mobile vending unit.

(b) A licensee may be a corporation, cooperative or partnership; however, the application and license shall designate a primary individual who is regularly involved in all phases of the production process and who is responsible for the vending operation. Such corporation, cooperative or partnership shall be liable for the acts or omissions of its supplemental vendors, but such liability shall not relieve any individual supplemental vendor from liability from his/her own acts or omissions.

(c) Age. All applicants must be at least 18 years of age.

(d) Insurance. An applicant must have in force adequate liability insurance and must agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city as a result of any injury to or death of any person or damage to property caused by or resulting from the activities for which a license may be granted. As evidence of liability insurance, the applicant shall furnish a Certificate of Insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance naming the City of Wausau, its employees and agents as additional insureds with minimum limits

of one million dollars (\$1,000,000.00) in the aggregate. Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the city by certified mail.

(e) Fees. The applicant shall pay a fee as set forth in section 3.40.010(a). The license fee shall be paid at the time the application is filed with the city clerk. The license fee will be returned to the applicant if the license is not approved.

(f) Term. Licenses shall be issued on an annual basis beginning on April 1 and expiring on March 31, or a 6 month basis beginning on April 1 and expiring on September 30, or beginning on October 1 and expiring on March 30, subject to the provisions of subsection (i). There will be no pro rata or other reduction for applications.

(g) [This subsection is intentionally left blank]

(h) Investigation.

(1) Upon receipt of an application and fee, the city clerk shall refer the application to the chief of police or his/her designee. The chief of police or his/her designee shall make an investigation of the accuracy of the statements made in the application and determine whether the applicant has been convicted of a felony, misdemeanor, statutory violation punishable by forfeiture, or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor, or other offense substantially relate to the circumstances of the permitted activity and, if so, the nature and date of the offense and the penalty assessed.

(2) If, as a result of an investigation, the chief of police or his/her designee discovers that any representation on the application contains a material omission or inaccuracy, or the chief of police or his/her designee is of the opinion that the applicant is not a fit person to conduct such sales, the chief of police or his/her designee shall return the application to the city clerk for referral to the public health and safety committee of the common council who shall approve or disapprove the same and return the application to the city clerk. Upon return of a disapproved application, the city clerk shall notify the applicant by mail and in writing that the permit has been denied, along with the reasons therefore.

(3) If as a result of an investigation, the chief of police or his/her designee is of the opinion that the applicant is a fit person to conduct such sales, the chief of police or his/her designee shall endorse on the application his/her approval and return the same to the city clerk who shall issue a license to the applicant.

(i) License.

(1) Upon compliance with the provisions of this chapter and any other applicable ordinance, a license will be issued to a mobile vendor. The possession of a license by a mobile vendor does not in and of itself entitle a vendor to the use

of any specific vending site on a specific day or entitle a vendor to a minimum number of vending days during the licensing period.

(2) Licenses shall include information deemed necessary by the city clerk and shall contain at a minimum, the name, address, telephone number and contact person for the mobile vendor, type of vending allowed, and the date of issuance and expiration of the license. Any license issued for a single fixed vending site under section 5.62.070 shall set forth the location of the fixed vending site approved for such mobile vendor.

(3) Every mobile vendor shall prominently display his/her license at all times and in plain view to the public on the mobile vending unit. No license issued under this chapter may be transferred by the licensed mobile vendor. A mobile vendor may transfer its license to another mobile vending unit owned and operated by that mobile vendor provided such other mobile vending units are approved under section 5.62.040. A mobile vendor may not operate more than one mobile vending unit within the city at any one time. (Ord. 61-5746 '2, 2017, File No. 17-0707)

5.62.045 Special Youth Vending License. (a) Purpose. The City desires to encourage the entrepreneurial spirit in City youth interested in creating their own unique opportunities for economic success and thereby promote work and marketplace skills in its young citizens. To this end the City desires to create a special youth vending license which is unencumbered by certain provisions relevant to the operation of large scale mobile vending units and vendors within the City limits, but is also limited in scope appropriate to youth vendors. The provisions of this section are not intended to permit the employment of minors in circumvention or violation of any state or federal law, including but not limited to the provisions of Wis. Stat. s. 103.64 through 103.83, and WI Admin Code, DWD 270. The provisions of this section are also not intended to permit larger scale mobile vending units and vendors who would otherwise be required to obtain a mobile vending license under the provisions of this chapter to avoid obtaining a regular license.

(b) Application. An application for a special youth vending license shall be submitted jointly by the minor and the parent or legal guardian of the minor on a form provided by the city clerk which provides the name, address, telephone number and date of birth of the applicants, a photograph or drawing of the mobile vending unit, if any, a description of the product(s) to be vended and a copy of a current State of Wisconsin or health department license for the vending of any food items. No minor applicant may be under the age of twelve (12). The application shall be signed by the parent or legal guardian and shall provide that the parent or guardian assumes all liability for the activities of the minor and the vending operations and further indemnifies the City in accordance with the provisions of Section 5.62.040(d). A special youth vending license may be approved and issued by the City Clerk upon compliance with the requirements of this section and issued in the name of the parent or legal guardian and the minor.

(c) Fee. The applicants shall pay an application fee as set forth in section 3.40.010(a).

(d) Term. The license shall be issued for a period from April 1 through September 30.



- (e) License.
  - (1) A special youth vending license shall only permit a youth vendor to vend and operate in residential areas. No vending under a special youth vending license shall be permitted on the 400 Block or during an approved Special Event under the city's Special Events Policy and Procedures where the Special Event has been approved within a residential area.
  - (2) A special youth vending license shall only permit the sale of food or beverage items that are individually wrapped and sealed and prepared and packaged by a licensed processor, or goods, wares, or merchandise.
  - (3) A special youth vending license shall permit a youth vendor who is vending products from a bicycle to operate the bicycle on city sidewalks while engaged in the activity of vending notwithstanding the provisions of Section 10.40.050 of this Code.
  - (4) A youth vendor shall be permitted to vend only during those times and hours as provided by Wis. Stat. s. 103.68 and WI Admin Code, DWD 270.11.
  - (5) A youth vendor engaged under the terms set forth in Wis. Stat. s. 103.21(1) shall obtain any necessary permit that may be required by Wis. Stat. s. 103.25.
  - (6) The parent or legal guardian of a youth vending under a special youth vending license shall be responsible and liable for ensuring compliance with any applicable state or federal law governing the employment of minors, including but not limited to any applicable provisions of Wis. Stat. s. 103.64 through 103.83, and WI Admin Code, DWD 270.
  - (7) The holder of a special youth vending license shall comply with the provisions of Section 5.62.060(b) through (r), (u) and (v) applicable to mobile vendors generally.
  - (8) No vending under a special youth vending license shall be permitted to occur from a motor vehicle or other on-street unit.
  - (9) The parent or legal guardian shall be responsible for any violation of this section and subject to the penalties of section 5.62.100. A special youth vending license may also be subject to suspension, revocation or non-renewal in accordance with section 5.62.050.
- (f) No special youth vending license is required under the circumstances as set forth in section 5.62.030. (Ord. 61-5750 ' 1, 2017; Ord. 61-5746 ' 1, 2017, File No. 17-0707)

5.62.050 License Denial, Revocation, and Appeals. (a) License Denial. Appeal of a denial of a license under this chapter shall be made as provided in chapter 2.21 of this code.

(b) Suspension, Revocation or Non-renewal. (1) The public health and safety committee may suspend, revoke, or fail to renew a license issued under this chapter. Cause for suspending, revoking, or non-renewal of a license shall include one or more of the following reasons:

this (A) Violation by licensee, its manager, or an employee of a provision of chapter or other ordinance of the city applicable to the business of the licensee.

(B) Violation of health department or state food or health regulations.

(C) Fraud, misrepresentation, or false statement contained in the license application submitted under this chapter or made in carrying on of the business of the licensee.

(D) Conviction of the licensee, its manager, or an employee of a felony or misdemeanor substantially related to mobile vending operations.

a (E) Conducting mobile vending operations in such a manner as to constitute menace to the health, safety, or general welfare of the public.

(2) Appeal of the decision of the public health and safety committee shall be made as provided in chapter 2.21 of this code.

(3) No applicant who has had a license denied, or licensee who has had his/her license suspended, revoked or non-renewed may make further application for a license under this chapter for one year.

5.62.060 Restrictions on Vending. The following restrictions apply to all mobile vendors operating within the city:

(a) Vending shall only be permitted between the hours of 7:00 a.m. and that time which is 30 minutes after closing hours for Class "B" licensed alcohol premises as provided in Wis. Stat. §125.32(3).

(b) Connection of a mobile vending unit to a public source of electricity, water or sewer at a mobile vending site is prohibited.

(c) No mobile vendor may use any public property such as light poles or other utility poles, flower planters, trees, or other amenities to attach any ropes, posters, signs, electrical cords, or other objects used in his/her operations.

(d) All mobile vending units shall be removed from their location and returned to their mobile base within 30 minutes of the cessation of vending hours as provided in subsection (a) and 7:00 a.m. and during any other time such unit is not actively operational.

(e) Vending and adjoining areas shall be kept clean and free from litter, garbage, rubble, and debris at all times. All mobile vending units shall be equipped with at least one leak-proof container for the deposit of waste, garbage, litter, and refuse. All such containers shall be kept covered with tight-fitting lids. When leaving vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from the vending operations.

(f) Seating for consumer consumption or use of products sold is not allowed at a vending site occupied by the mobile vending unit. One chair, stool, or seat for use by the operator will be allowed.

(g) Mobile vendors shall provide a minimum 4 foot clearance on sidewalks and rights-of-way for pedestrian access and traffic.

(h) No mobile vendor shall sell food that is unwholesome, tainted, unclean, or that has been handled in an unclean manner, or has been exposed to unclean, contaminating things or conditions, or contrary to any local or state law, rule or regulation.

(i) The size of any mobile vending unit and operating area, accommodated on sidewalks, shall not exceed 32 square feet. The height of any mobile vending unit, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 6 feet.

(j) All equipment used at the vending site shall be in a clean, sanitary, hazard free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects.

(k) The licensee or other operator of a mobile vending unit shall be present with the mobile vending unit at all times during which products are displayed or sold, except that a licensee or other operator may leave his/her vending location and mobile vending unit unattended during lawful vending hours for a maximum of 60 minutes per day, provided the mobile vending unit does not impede pedestrian or vehicular access or traffic. (Ord. 61-5619 '2, 2014, File No. 13-0612)

(l) Noise levels emanating from the vending site shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. No person may make any loud, unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

(m) The Wausau Police Department shall have the authority to remove or cause the removal of any vending equipment, mobile vending unit, food, beverages, goods, wares or merchandise found on the highway, street, alley, sidewalk, public right of way or other vending

location in violation of this chapter. In addition to any forfeiture that may be imposed, the violator shall also be liable for any removal, towing and storage charges incurred by the city as a result.

(n) No mobile vendor shall conduct business within seventy five (75) feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the city clerk.

(o) No mobile vendor shall conduct business within two hundred (200) feet of school property during school hours, unless written permission is granted by the school superintendent or other equivalent authority and such documentation is placed on file with the city clerk.

(p) To encourage the integrity, comprehensiveness and success of Special Events no vending shall be permitted on public streets, sidewalks or in any city parks:

(1) Within two (2) blocks of the event premise where the City of Wausau has issued a Class I Special Events permit during the hours approved for the Special Event.

(2) Within one (1) block of the event premise where the City of Wausau has issued a Class II Special Events permit during the hours approved for the Special Event.

Mobile vendors are responsible for determining dates and times of Special Events held within the city.

(q) No mobile vendor shall conduct business within ten (10) feet of a fire hydrant or ten (10) feet of a bus shelter or bus stop.

(r) A mobile vending unit shall maintain clear access and visibility of cross walks and street corners.

(s) Vending on the 400 Block is limited to the exterior sidewalks. Vending within the interior walkways, grassy areas, seating plaza, stage and fountain is prohibited.

(t) During the hours of 7a.m. and 9:00 p.m. no more than two food mobile vending units and two non-food mobile vending units may occupy a block face at any one time.

(u) No mobile vendor may sell secondhand goods or articles from a mobile vending unit as its primary business operation. A mobile vendor selling secondhand goods, articles or jewelry may also require a license under chapter 5.52.

(v) The director of public works may designate public streets and sidewalks temporarily unavailable due to construction, special events, or other unforeseen events.

5.62.070 Fixed Site Vending. (a) Each licensee has the opportunity to elect to vend from a single fixed vending site identified by the licensee.

(b) Each fixed vending site shall meet all applicable restrictions of this ordinance and shall be approved in advance by the director of public works.

(c) A fixed vending site shall be awarded to licensees on a “first come/first serve” basis.

(d) Any licensee shall be allowed to request one (1) change to his/her fixed vending site during each license year which shall be subject to the approval of the director of public works.

(e) The location and dimensions of a licensee’s fixed vending site are not guaranteed to remain available. Public construction, sidewalk, street or other right of way improvements or redesign may result in a fixed vending site being moved, reduced in size, eliminated, or otherwise altered, at any time.

(f) If the fixed vending site becomes temporarily or permanently unavailable as provided in subsection (e) or due to special events, or other unforeseen circumstances, the licensee may apply to the director of public works for an alternate fixed vending site.

(g) The mobile vendor has exclusive rights to vend from the approved fixed vending site whenever such mobile vendor is present to vend.

5.62.080 Vending from Vehicles or Other On-Street Units. (a) Any vehicle or other on-street unit used for vending food in any public street must be designed and constructed specifically for the purpose of vending such food products. A mobile vendor vending food products from a vehicle or other on-street unit must obtain all necessary approvals from the city fire department.

(b) Any motor vehicle used in vending on public streets shall have valid vehicle registration as required under chapter 341 of the Wisconsin Statutes, and its operator shall have and maintain a valid Wisconsin driver’s license at all times.

(c) In addition to the insurance requirements of section 5.62.040(d), the operator of any motor vehicle used for vending in any public street shall have in effect motor vehicle liability insurance as required under Wis. Stat. §344.62 and in a minimum amount of one million dollars (\$1,000,000.00). Proof of such insurance shall be provided at the time of application for a vending license. Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the city by certified mail.

(d) No vending shall be made in a public street from a vehicle or other on-street unit except from the curbside of said vehicle or on-street unit.

(e) A mobile vendor and any vehicle or other on-street unit vending in any public street shall comply with all state and municipal traffic and parking laws at all times.

5.62.090 Effect on Direct Sellers. A person who obtains a valid license under this chapter shall not be required to also obtain a direct sellers license under the provisions of chapter 5.60 of this code.

5.62.100 Penalties. (a) Any person violating this chapter shall, upon conviction for a first offense, forfeit not \$100.00, together with the costs of prosecution. Each and every day during which any such violation continues shall constitute a separate violation.

(b) Any person violating this chapter shall, upon conviction for a second offense or subsequent offense, forfeit \$200.00, together with the costs of prosecution. Each and every day during which any such violation continues shall constitute a separate violation.

5.62.110 Severability. If any provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (Ord. 61-5574 '1, 2013, File No. 13-0612)