



Legislation Details (With Text)

**File #:** 110150      **Version:** 0  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/24/2011      **In control:** LICENSES COMMITTEE  
**On agenda:**      **Final action:** 6/14/2011

**Effective date:**  
**Title:** An ordinance relating to certain food-related license provisions.  
**Sponsors:** THE CHAIR  
**Indexes:** DIRECT SELLERS, FOOD DEALERS  
**Attachments:** 1. Hearing Notice List, 2. Notice Published on 6-30-11

Date	Ver.	Action By	Action	Result	Tally
5/24/2011	0	COMMON COUNCIL	ASSIGNED TO		
5/26/2011	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
6/1/2011	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/14/2011	0	COMMON COUNCIL	PASSED	Pass	15:0
6/23/2011	0	MAYOR	SIGNED		
6/30/2011	0	CITY CLERK	PUBLISHED		

110150  
ORIGINAL

THE CHAIR  
An ordinance relating to certain food-related license provisions.

- 60-21-6 am
- 60-23-3-c-0 rn
- 60-23-3-c-2 cr
- 60-25-3 am
- 68-4-1-c rc
- 68-4-1.5-a am
- 68-4-2-d rn
- 68-4-2-d cr
- 68-4.5-2-a am
- 74-1-2.2 am
- 74-1-3-d am
- 95-1-2-a-8 am

Currently, a food dealer license is issued for the period beginning on July 1 and ending on the following June 30. This ordinance provides for a 15-month food dealer license for food dealer licenses issued on or after April 1, as provided for in state law.

This ordinance also requires that an annual temporary food dealer’s license applicant for the sale of food at farmers’ markets pay the state of Wisconsin administrative fee which is on file with the

Wisconsin department of agriculture, trade and consumer protection as required by state law.

Furthermore, this ordinance requires that food dealer license applicants provide additional information on their application forms at the request of the city clerk, commissioner of health or chief of police.

This ordinance also clarifies and makes certain non-substantive changes to various food-related licensing provisions.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-21-6 of the code is amended to read:

**60-21. Food Dealer's License.**

**6.** Each license shall be issued for the license period beginning on July 1 and ending the following June 30>>, except those licenses for which applications were issued on or after April 1. Licenses issued on or after April 1 shall expire the following June 30<<.

Part 2. Section 60-23-3-c-0 of the code is renumbered to 60-23-3-c-1.

Part 3. Section 60-23-3-c-2 of the code is created to read:

**60-23. Temporary Food Dealer's License.**

**3. FEES.**

c. Farmers' market.

c-2. The applicant shall pay the state of Wisconsin administrative fee which is on file with the Wisconsin department of agriculture, trade and consumer protection.

Part 4. Section 60-25-3 of the code is amended to read:

**60-25. Food Operations - Plan Examinations.**

**3.** Fees under this section are nonrefundable>>, unless the plan examination has not yet been performed<<.

Part 5. Section 68-4-1-c of the code is repealed and recreated to read:

**68-4. Food Dealer License.**

**1. REQUIRED.**

c. A food dealer license may not be transferred from one person or entity to another or from one premise to another except an individual may transfer a license to an immediate family member, as defined in s. 254.64(4)(1)2, Wis. Stats., if the individual is transferring operation of the restaurant. A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70(1), Wis. Stats., or a different type of business entity may transfer a license to the newly formed business entity or sole

proprietorship if the restaurant remains at the location for which the license was issued and at least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity.

Part 6. Section 68-4-1.5-a of the code is amended to read:

### 1.5. LICENSE NOT REQUIRED.

a. A person selling only bottled or canned ~~[[water or bottled or canned soda]]~~ >>non-alcohol drinks that don't require refrigeration<< and no other food items.

Part 7. Section 68-4-2-d of the code is renumbered to 68-4-2-e.

Part 8. Section 68-4-2-d of the code is created to read:

### 2. APPLICATION.

d. Such other reasonable or pertinent information the city clerk, commissioner of health or chief of police may require.

Part 9. Section 68-4.5-2-a of the code is amended to read:

### 68-4.5. Construction or Alteration of Licensable Food Establishments.

#### 2. SITE EVALUATION.

a. A site evaluation by the health department is required for any food establishment in a location where the immediate predecessor was not a food operation or where a food establishment has not been in operation at that location in the past 5 years >>, except when this requirement is waived by the health department or for a nonprofit entity<<.

Part 10. Section 74-1-2.2 of the code is amended to read:

### 74-1. Vehicular Food Peddlers.

#### 2.2. PERMIT NOT REQUIRED.

A person selling only bottled or canned ~~[[water or bottled or canned soda]]~~ >>non-alcohol drinks that don't require refrigeration<< and no other food items is not required to have a permit issued under this section but ~~[[must]]~~>>shall<< comply with all other requirements of this section.

Part 11. Section 74-1-3-d of the code is amended to read:

### 3. PERMIT CATEGORIES.

d. Veteran. Any ex-soldier of the United States in any war who has a 25% disability or more or has a cardiac disability recognized by the United States veterans administration shall, upon presenting proof to the commissioner of health that he or she satisfies these conditions, be granted a food

peddler permit >>for one motorized, pushed, pedaled or motorized vehicle or container<< without payment of any fee.

Part 12. Section 95-1-2-a-8 of the code is amended to read:

**95-1. Direct Sellers.**

**2. LICENSE REQUIRED.**

a-8. A food peddler >>who is only selling food<< licensed under ch. 74.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date:\_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date:\_\_\_\_\_

LRB127673-1  
Amy E. Hefter  
5/18/2011