



Legislation Details (With Text)

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Effective date:

Title: An ordinance relating to food license fees and regulations.

Sponsors: THE CHAIR, ALD. PEREZ

Indexes: FEES, LICENSES

Attachments: 1. Fiscal Note.pdf, 2. Mobile Base Fee Calculation Worksheet.pdf, 3. Notice Published on 3-17-16

Date	Ver.	Action By	Action	Result	Tally
2/9/2016	0	COMMON COUNCIL	ASSIGNED TO		
2/12/2016	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/12/2016	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/12/2016	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
2/15/2016	0	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/1/2016	1	COMMON COUNCIL	PASSED	Pass	13:0
3/8/2016	1	MAYOR	SIGNED		
3/17/2016	1	CITY CLERK	PUBLISHED		

151527
ORIGINAL
THE CHAIR

An ordinance relating to food license fees and regulations.

68-1-58 am
68-1-59 am
68-9-1 am
68-9-2-a am
68-9-2-f am
68-9-3-a am
68-9-4-b am
68-9-4-c am
68-9-4-d rp
68-9-5-b-3 am
68-9-6 am
68-9-8-b am
68-9-9-b am
68-9-9-c am
68-9-10-b-2 am
68-9-11-a-0 am
68-9-11-a-1 am

68-11-6	am
68-15-5-b	am
68-21-1-a	am
68-21-4-b	am
68-23-1-a	am
68-31-1-b-2	am
68-31-1-b-4	cr
68-31-1-b-5	cr
68-31-1-c-3	rp
68-31-1-e	am
68-31-2	rp
68-33-1-b-1	am
68-33-1-b-4	cr
68-33-3-a	am
68 (sub ch. 4)	am
68-41-2-0	am
68-41-2-a	am
68-41-2-b	am
68-41-3-0	am
68-41-3-e	am
68-41-4-b	am
68-41-5-0	am
68-41-5-a	am
68-41-5-b	am
68-41-5-c	am
68-41-6	am
68-41-7-a	am
68-41-7-b	am
68-41-7-d	am
68-41-7-d-1	am
68-41-7-f	am
68-41-7-m	am
68-41-8-a	am
68-41-8-d	am
68-41-8-l	am
68-41-9-e	am
68-41-10-a	am
68-41-10-b-2	am
68-41-10-c-2	am
68-41-10-c-3	am
68-43-2	am
68-45-3-c	am
68-61-1-a	am
68-61-3-a	am
68-61-3-b-1	am
68-61-4-a	am
68-61-4-b-0	am
68-61-8-b-1	am
68-61-8-b-6	am

68-61-8-c-1	am
68-61-8-c-3	am
68-63-1-b	am
68-63-1-c-2	am
68-63-2-a	am
68-63-2-c	am
68-65-3	am
68-65-6	am
68-67-1	am
68-67-2-a-2	am
68-67-2-a-3	am
68-67-2-b-2	am
68-69-1	am
81-55-3-d	am
81-55-3-e	cr
81-55-5	am
81-55-10	am
81-56-1-a-1	ra
81-56-1-a-2	rp
81-56-1-b-1	am
81-56-1-b-2	am
81-56-1-b-3	rp
81-56-1-c	am
81-56-1-e	rp
81-56-1-f	rp
81-56-4	am
81-56.3-0	am
81-56.3-2	am
81-56.3-3	am
81-56.3-4-a	am
81-56.3-4-c	am
81-56.3-5	am

This ordinance exempts a food peddler holding a state mobile restaurant license from obtaining a temporary food dealer license, a seasonal food dealer license or a food peddler permit.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 68-1-59 of the code is amended to read:

68-1. Definitions.

59. TEMPORARY EVENT means a single event such as a fair, festival, fundraiser for a nonprofit organization, carnival, circus, public exhibition, anniversary sale or occasional sales promotion that is held at a fixed location not lasting more than 14 consecutive days ~~[[or 26 nonconsecutive days during the license period]]~~.

Part 2. Section 68-9-4-b and c of the code is amended to read:

68-9. Inspection and Investigation.

4. ROUTINE INSPECTION.

b. Food Peddler ~~[[Permit]]~~ >>License<< Inspection. The department shall inspect >>prior to license issuance<< all ~~[[food peddler]]~~ vehicles, carts, or carried containers ~~[[annually prior to permit renewal]]~~ >>of food peddlers licensed under this chapter<<. A renewal food peddler ~~[[permit]]~~ >>license<< shall not be issued until an inspection is performed and all priority and priority foundation violations have been corrected.

c. Seasonal and Temporary Food Dealer ~~[[Permit]]~~ >>License<< Inspection. The department shall inspect all seasonal or temporary food dealer operations or establishments >>licensed under this chapter<<. ~~[[If the department is unable to inspect all seasonal or temporary food dealer operations or establishments, it may prioritize inspections based on the risk of the food operation and the compliance history of the operator.]]~~

Part 3. Section 68-9-4-d of the code is repealed.

Part 4. Section 68-11-6 of the code is amended to read:

68-11. Plan Examination; Site Evaluation; Variance.

6. FEES. Plan examination and modification fees shall be submitted and paid prior to the plan examination as required in ss. ~~[[60-25,]]~~ 81-55 and 81-55.3. Fees shall be nonrefundable and include the cost of all inspections required for a plan, if applicable.

Part 5. Section 68-31-1-b-4 and 5 of the code is created to read:

68-31. Temporary Food Dealer License.

1. LICENSES.

b. Exemption.

b-4. A food peddler holding a state mobile restaurant license valid for the food being sold.

b-5. A nonprofit organization, as defined in s. 68-1, operating three or less days per year.

Part 6. Section 68-31-1-c-3 of the code is repealed.

Part 7. Section 68-31-1-e of the code is amended to read:

e. Fees. Application for a temporary food dealer license shall be accompanied by the fees specified in ~~[[s. 60-23. A nonprofit organization selling food or serving meals one day during a fiscal year at a temporary event shall be exempt from the fees specified in]]~~ s. 81-56 >>.<<

Part 8. Section 68-31-2 of the code is repealed.

Part 9. Section 68-33-1-b-4 of the code is created to read:

68-33. Seasonal Food Dealer License.

1. LICENSES.

b. Exemptions.

b-4. A food peddler holding a state mobile restaurant license valid for the food being sold.

Part 10. Section 68-41-2-a of the code is amended to read:

68-41. Food Peddlers.

2. ~~[[PERMIT]]~~ >>LICENSE<< REQUIRED. a. General. No person shall engage in the sale of any food from any vehicle >>, cart or container<< on public streets without first ~~[[receiving from the city clerk]]~~ >>obtaining<< a food peddler ~~[[permit]]~~ >>license issued under this chapter<< or a mobile ~~[[retail]]~~ food ~~[[establishment]]~~ license ~~[[from]]~~ >>issued by<< the state of Wisconsin ~~[[valid]]~~ for the food being sold. ~~[[A permit issued under this section shall not permit any person to sell food from a temporary or permanent structure, or a vehicle other than a vehicle selling food on public streets or contrary to any other ordinance of the city.]]~~ >>A separate license shall be required for each vehicle, cart or container from which food is sold.<<

Part 11. Section 81-55-3-d of the code is amended to read:

81-55. Food Dealer's License.

3.

d. ~~[[Distributors/]]~~Food Stores - No Processing:

Anticipated Gross Annual Sales for All Food Operations

Less than \$20,000	\$200
\$20,001 - \$200,000	300
\$200,001 - \$2,000,000	575
Over \$2,000,000	875

Part 12. Section 81-55-3-e of the code is created to read:

e. Mobile peddler food base: \$150 new; \$125 renewal

Part 13. Section 81-56-1-a-1 of the code is renumbered 81-56-1-a and amended to read:

81-56. Food Dealer's License, Temporary and Seasonal.

1. FEES.

a. Restaurants. The fee ~~[[per temporary event]]~~ for a temporary food establishment shall be ~~[[\$170]]~~ >>\$100<<. ~~[[The fee shall be \$100 if the licensee currently holds an existing city of Milwaukee food~~

~~dealer license.]]~~

Part 14. Section 81-56-1-a-2 of the code is repealed.

Part 15. Section 81-56-1-b-1 and 2 of the code is amended to read:

b. Retail.

b-1. The fee ~~[[per temporary event]]~~ for temporary food operations that process food at the point of sale shall be ~~[[\$170]]~~ >>\$100<<. ~~[[The fee shall be \$100 if the licensee currently holds an existing city of Milwaukee food dealer license.]]~~

b-2. The fee ~~[[per temporary event]]~~ for temporary food operations that do not process food at the point of sale shall be ~~[[\$150]]~~ >>\$75<<. ~~[[The fee shall be \$100 if the licensee currently holds an existing city of Milwaukee food dealer license.]]~~

Part 16. Section 81-56-1-b-3 of the code is repealed.

Part 17. Section 81-56-1-c of the code is amended to read:

c. >>Seasonal market and<< Farm stand. The~~[[registration]]~~ fee for ~~[[a farm stand]]~~ >>vendors whose food sales are limited to whole fresh uncut produce, cottage food products, honey, cider, sorghum, and maple syrup produced by the operator, provided that no other processing is performed<< shall be \$35.

Part 18. Section 81-56-1-e and f of the code is repealed.

Part 19. Whenever the term “permit” appears in the following sections of the code, the term “license” shall be substituted: 68-1-58, 68-9-3-a, 68-21-1-a, 68-21-4-b, 68-23-1-a, 68-31-1-b-2, 68-33-1-b-1, 68-33-3-a, 68 (sub ch. 4), 68-41-2-0, 68-41-2-b, 68-41-3-0, 68-41-3-e, 68-41-4-b, 68-41-5-0, 68-41-5-a, 68-41-5-b, 68-41-5-c, 68-41-6, 68-41-7-b, 68-41-7-d, 68-41-7-d-1, 68-41-7-f, 68-41-7-m, 68-41-8-a, 68-41-8-d, 68-41-8-l, 68-41-9-e, 68-41-10-a, 68-41-10-b-2, 68-41-10-c-2, 68-41-10-c-3, 68-43-2, 68-45-3-c, 81-55-5, 81-55-10, 81-56-4, 81-56.3-0, 81-56.3-2, 81-56.3-3, 81-56.3-4-a, 81-56.3-4-c and 81-56.3-5.

Part 20. Whenever the term “licensee or permittee” appears in the following sections of the code, the term “licensee” shall be substituted: 68-9-2-a, 68-9-6, 68-9-8-b, 69-9-9-c, 68-9-9-c, 68-9-11-a-0, 68-9-11-a-1 and 68-61-1-a.

Part 21. Whenever the term “license or permit” appears in the following sections of the code, the term “license” shall be substituted: 68-9-1, 68-9-2-f, 68-9-5-b-3, 68-9-9-b, 68-9-10-b-2, 68-15-5-b, 68-61-3-a, 68-61-3-b-1, 68-61-4-a, 68-61-4-b-0, 68-61-8-b-1, 68-61-8-b-6, 68-61-8-c-1, 68-61-8-c-3, 68-63-1-b, 68-63-1-c-2, 68-63-2-a, 68-63-2-c, 68-65-3, 68-65-6, 68-67-1, 68-67-2-a-2, 68-67-2-a-3, 68-67-2-b-2 and 68-69-1.

Part 22. Whenever the term “permittee” appears in the following sections of the code, the term “licensee” shall be substituted: 68-41-6.

Part 23. Whenever the term “permitting” appears in the following sections of the code, the term “licensing” shall be substituted: 68-41-7-a.

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: _____

City Clerk-License Division

LRB162936-4

Adam Wickersham

02/12/2015