



Legislation Details (With Text)

File #: 110675 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 9/20/2011 **In control:** LICENSES COMMITTEE
On agenda: **Final action:** 10/11/2011
Effective date:

Title: A substitute ordinance relating to temporary food dealer's license regulations, and exemption of children-operated lemonade and kool-aid stands from obtaining a food dealer's license.

Sponsors: THE CHAIR

Indexes: FOOD DEALERS, LICENSES

Attachments: 1. Hearing Notice List, 2. Notice Published on 10-27-11

Date	Ver.	Action By	Action	Result	Tally
9/20/2011	0	COMMON COUNCIL	ASSIGNED TO		
9/21/2011	0	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/26/2011	1	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
9/26/2011	0	LICENSES COMMITTEE	SUBSTITUTED	Pass	4:0
9/30/2011	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
9/30/2011	1	LICENSES COMMITTEE	HEARING NOTICES SENT		
10/11/2011	1	LICENSES COMMITTEE	SUBSTITUTED	Pass	4:0
10/11/2011	2	LICENSES COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
10/11/2011	1	LICENSES COMMITTEE	RECONSIDERED	Pass	4:0
10/11/2011	1	COMMON COUNCIL	PASSED	Pass	15:0
10/20/2011	2	MAYOR	SIGNED		
10/27/2011	1	CITY CLERK	PUBLISHED		

110675
SUBSTITUTE 2

THE CHAIR

A substitute ordinance relating to temporary food dealer's license regulations, and exemption of children-operated lemonade and kool-aid stands from obtaining a food dealer's license.

60-23-1 am

60-23-2 am

68-4-1.5-c cr

With respect to a temporary food dealer's license regulations, this ordinance:

1. Amends the definition of "temporary event" by including festivals and fundraisers for nonprofit organizations. Currently, a temporary event is defined as a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

2. Clarifies the definition of "temporary event" by stating that the duration of a temporary event shall last not longer than 14 consecutive days or 20 non-consecutive days during the license period. Currently, the definition states that a temporary event is held for a limited duration of time.

3. Requires that a temporary food operation site, location or stand be connected to a temporary event or fundraiser for a nonprofit organization when issued a temporary food dealer's license.

In addition, the ordinance exempts stands operated by children under the age of 14, which sell homemade beverages or food items, in residential areas on private property from having to obtain a food dealer's license.

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

Part 1. Section 60-23-1 and 2 of the code is amended to read:

60-23. Temporary Food Dealer's License.

1. DEFINITION. "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 ~~[[for a limited duration]]~~ at a fixed location >> not lasting more than 14 consecutive days or 20 non-consecutive days during the license period. <<

2. LICENSES. With the exception of a licensed food establishment that extends its operation to the outside on a temporary basis, each individual temporary food operation, site, location or stand where food is prepared, processed, served or sold shall be >> connected to a temporary event or a fundraiser for a nonprofit organization when << issued a temporary food dealer's license and be assessed fees in accordance with this section.

Part 2. Section 68-4-1.5-c of the code is created to read:

68-4. Food Dealer License.

1.5. LICENSE NOT REQUIRED. A food dealer license shall not be required for the following:

c. Stands, not connected with any temporary events as defined in s. 60-23-1, located on private property in residential areas operated by children under the age of 14 which sell homemade beverages or food items not requiring heating or refrigeration.

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
LRB132104-3
Amy E. Hefter
9/29/2011