



## INSTRUCTIONS FOR OBTAINING A MOBILE FOOD ESTABLISHMENT LICENSE

- You will need a City of Eau Claire license and a Health Department license. Contact the Health Department at 715-839-4718 to determine the type of Health Department license needed.
  - Contact the Licensing Specialist at 715-839-4923 for the Uniform License application sheet.
  - Submit a copy of your seller's permit from the State of Wisconsin; this is a 15-digit number starting with 456-xxxxxxxx-xx.
  - Provide \$1,000,000 of liability insurance – Certificate of Liability Insurance**
  - Pay applicable license fee(s) prior to the inspection signoff. The license period is July 1 to June 30. Fees are non-refundable and most fees are not prorated.
  - Schedule inspections and obtain signatures from inspectors:
    - Health Department (715-839-4718)
    - Fire Inspector (715-839-4825)
- Applicant must contact the inspectors AT LEAST 3 DAYS IN ADVANCE to schedule inspections and obtain signatures.**
- After you have obtained signatures from all inspectors, return the form to the Licensing Specialist to obtain your licenses.

### **Requirements of a Mobile Food Establishment per Chapter 13.12**

- Applicant must have a licensed commercial base
- Applicant must have proper City & Health Department licensing
- Post license
- Hours of operation allowed are 8:00am to 11:00pm
- Post Name/address/phone number on Mobile Food Establishment truck
- Can only operate at any one location for 6 hours at a time
- **NOTE:** No mobile food establishment shall operate on any public street within 200 feet of any business holding a valid restaurant license from the City-County Health Department and a valid restaurant license from the city unless they have permission from the business owner.
- Mail or bring application with payment to:  
City of Eau Claire  
203 S Farwell St.  
PO Box 909  
Eau Claire WI 54702-0909

### **Questions:**

**Email: [licensing@eauclairewi.gov](mailto:licensing@eauclairewi.gov)**

**Phone: 715-839-4923**

**2020 CITY OF EAU CLAIRE UNIFORM LICENSE APPLICATION**

**Check one**  **Individual**   
  **Partnership**   
  **Corporation**   
  **Other:**

**Legal name of business:** \_\_\_\_\_ **SELLERS PERMIT NUMBER:** \_\_\_\_\_  
**Trade name of business:** \_\_\_\_\_ **EMAIL ADDRESS (REQUIRED):** \_\_\_\_\_  
**Address of business:** \_\_\_\_\_  
**Mailing address:** \_\_\_\_\_  
**Name of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Bus. Phone:** \_\_\_\_\_

**CITY OF EAU CLAIRE LICENSE FEES**

LICENSE TYPE	DESC	QTY				CODE	FEE	TOTAL
PUBLICATION FEE						1130	\$40new/\$20ren	
COMBINATION CLASS B	prorated					1111	\$ 600.00	
RESERVE CLASS B	1st year only					1112	\$ 11,600.00	
COMBINATION CLASS A	prorated					1113	\$ 772.00	
CLASS A BEER	prorated					1115	\$ 272.00	
CLASS B BEER	prorated					1116	\$ 100.00	
CLASS A LIQUOR	prorated					1124	\$ 500.00	
CLASS C WINE	prorated					1114	\$ 100.00	
CLASS A CABARET	live music/dancing					1317	\$ 211.00	
CLASS B CABARET	live music					1317	\$ 149.00	
CIGARETTE	<b>Circle One: OTC VM BOTH</b>					1315	\$ 100.00	
AMUSEMENT DEVICE	per/device				(Only Electrical inspection required)	1316	\$ 51.00	
POOL TABLE	per/table					1357	\$ 32.00	
CITY RESTAURANT						1312	\$ 120.00	
CITY RESTAURANT/LTD						1311	\$ 62.00	
ROOM TAX PERMIT APPLICATION FEE						2425	\$ 69.00	
OTHER LICENSE FEE	LICENSE TYPE: MOBILE FOOD ESTABLISHMENT					1309	\$ 120.00	

**HEALTH DEPARTMENT RESTAURANT LICENSE FEES**

LICENSE TYPE	DESC	PLAN REV CODE	PLAN REV FEE	PRE-INSP CODE	PRE-INSP FEE	LIC CHGE CODE	LICENSE FEE	
ADDITIONAL LOCATION	per/facility					5115	\$ 219.00	
HEALTH LTD REST		5138	\$174.00	5130	\$174.00	5111	\$ 348.00	
HEALTH REST HIGH - A	<\$100K	5139	\$656.00	5131	\$656.00	5114	\$ 1,312.00	
HEALTH REST MOD - A	<\$100K	5140	\$401.00	5132	\$401.00	5113	\$ 802.00	
HEALTH REST LOW - A	<\$100K	5141	\$280.00	5133	\$280.00	5112	\$ 559.00	
HEALTH REST HIGH - B	\$100K - \$500K	5142	\$835.00	5134	\$835.00	5102	\$ 1,669.00	
HEALTH REST MOD - B	\$100K - \$500K	5143	\$511.00	5135	\$511.00	5101	\$ 1,021.00	
HEALTH REST LOW - B	\$100K - \$500K	5144	\$356.00	5136	\$356.00	5105	\$ 712.00	
HEALTH REST HIGH - C	>\$500K	5147	\$994.00	5150	\$994.00	5104	\$ 1,988.00	
HEALTH REST MOD - C	>\$500K	5148	\$608.00	5151	\$608.00	5103	\$ 1,215.00	
HEALTH REST LOW - C	>\$500K	5149	\$423.00	5152	\$423.00	5106	\$ 846.00	
		<b>Total</b>		<b>Total</b>		<b>Total Plan/Pre-insp</b>		<input type="checkbox"/>

**HEALTH DEPARTMENT RETAIL FOOD LICENSE FEES**

LICENSE TYPE	DESC	PLAN REV CODE	PLAN REV FEE	PRE-INSP CODE	PRE-INSP FEE	LIC CHGE CODE	LICENSE FEE
RETAIL FOOD - A - Non-processing	non-processing (55)					5211	\$ 207.00
RETAIL FOOD - B - Processing	<\$25k (44)	5244	\$119.00	5248	\$119.00	5221	\$ 238.00
RETAIL FOOD - C - Processing	Non-PHF >\$25k (33)	5245	\$251.00	5249	\$251.00	5222	\$ 502.00
RETAIL FOOD - D - Processing	PHF \$25k-\$1mil (22)	5246	\$327.00	5250	\$327.00	5223	\$ 653.00
RETAIL FOOD - E - Processing	PHF >\$1mil (11)	5247	\$752.00	5251	\$752.00	5224	\$ 1,504.00
		<b>Total</b>		<b>Total</b>		<b>Total Plan/Pre-insp.</b>	

**HEALTH DEPARTMENT MISC FEES**

LICENSE TYPE	DESC			PRE-INSP CODE	PRE-INSP FEE	LIC CHGE CODE	LICENSE FEE
TOURIST ROOMING HOUSE	1-4 rooms			5323	\$129.00	5311	\$ 257.00
HOTEL/MOTEL	5-30 rooms			5324	\$166.00	5312	\$ 332.00
HOTEL/MOTEL	31-99 rooms			5325	\$266.00	5313	\$ 531.00
HOTEL/MOTEL	100-199 rooms			5326	\$360.00	5314	\$ 720.00
HOTEL/MOTEL	200+ rooms			5328	\$450.00	5315	\$ 900.00
POOL/SEASONAL	per/pool			5419	\$361 ea.	5411	\$ 722.00
POOL/YEAR ROUND	per/pool			5432	\$498 ea.	5412	\$ 995.00
WATER ATTRACTION-SEASONAL				5433	\$395 ea.	5413	\$ 789.00
WATER ATTRACTION-YEAR ROUND				5434	\$530 ea.	5414	\$ 1,059.00
WATER ATTRACTION-2 SLIDES				5435	\$577 ea.	5415	\$ 1,154.00
WATER ATTRACTIN-ADDITIONAL SLIDE				5436	\$213 ea.	5416	\$ 426.00
				<b>Total</b>		<b>Total Pre-insp.</b>	
						<b>TOTAL</b>	

Applicant must contact the inspectors **AT LEAST 3 DAYS IN ADVANCE** to schedule inspections and obtain signatures. All fees are to be paid when applying. Please return this completed form with all signatures to the City Hall Licensing Office to obtain license.

Inspector	Phone	Signature	Date
Health Inspector	715-839-4718		
Fire Inspector	715-839-4825		
Electric Inspector	715-839-4947		
Building Inspector	715-839-4947		
Plumbing Inspector	715-839-4947		

**HEALTH DEPARTMENT PREINSPECTION FEE POLICY:** The total preinspection fee for issuing multiple permits within the same establishment under the operation of the same operator/legal owner shall be determined by using the largest preinspection fee and assessing 75% of the preinspection fee of any additional permit(s).



Generalized Parking Area  
For Mobile Food  
Establishments



Carson Park  
Eau Claire, Wisconsin

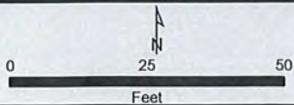




Generalized Parking Area  
For Mobile Food  
Establishments

HUDSON ST

FIRST AVENUE

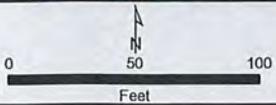
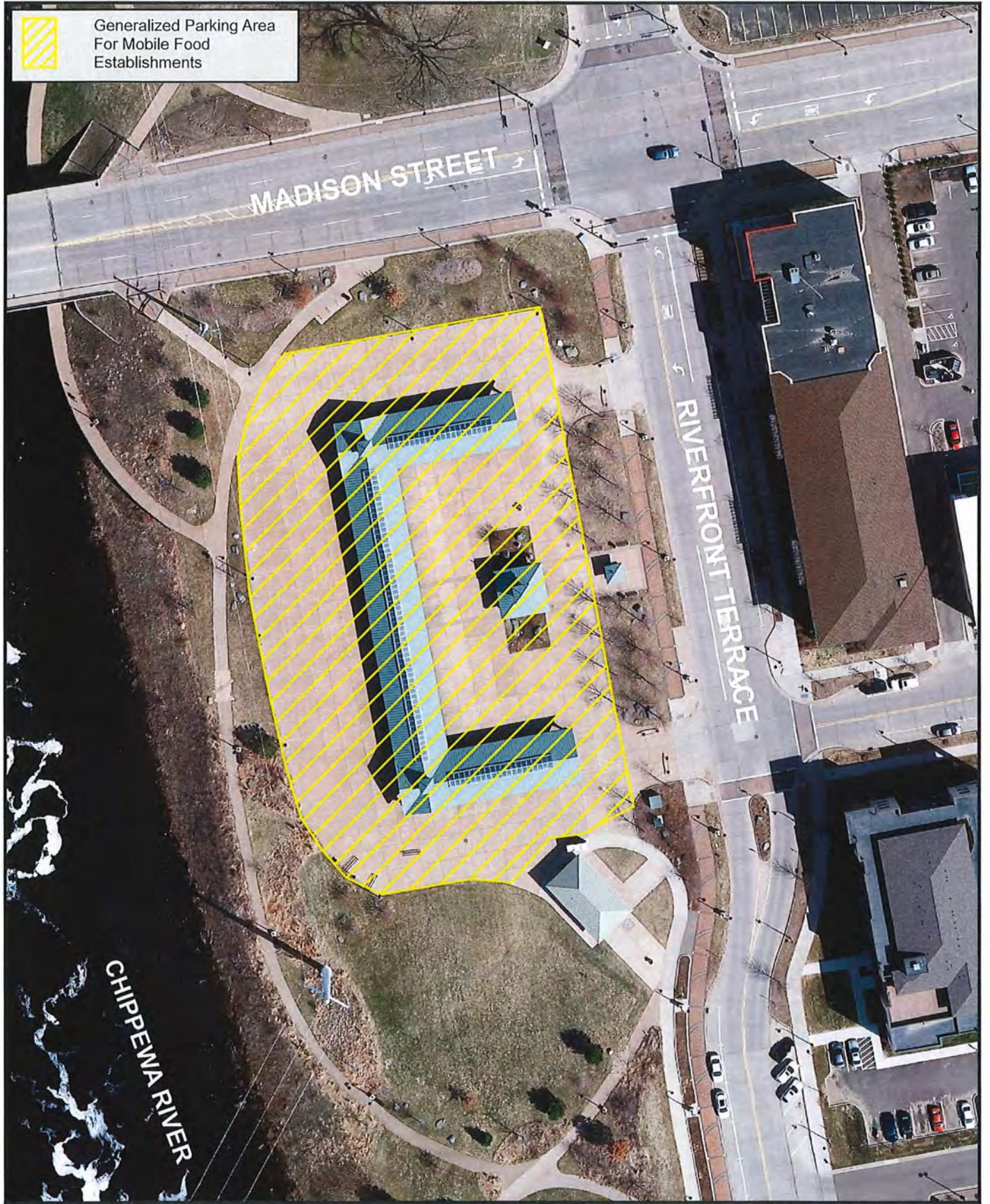


Owen Park  
Eau Claire, Wisconsin



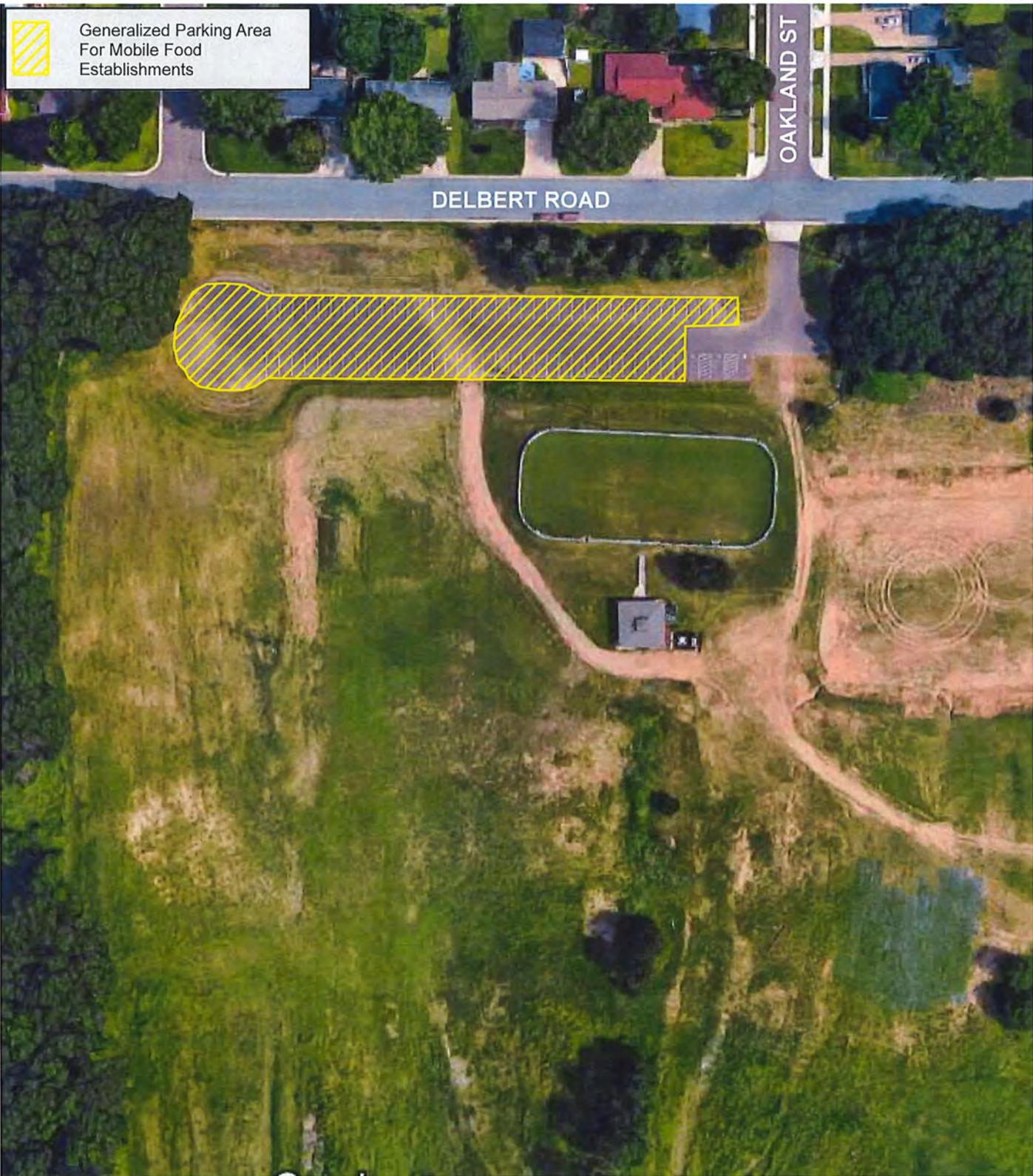


Generalized Parking Area  
For Mobile Food  
Establishments



Phoenix Park  
Eau Claire, Wisconsin

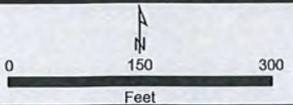




 Generalized Parking Area  
For Mobile Food  
Establishments

DELBERT ROAD

OAKLAND ST



**Pinehurst Park**  
**Eau Claire, Wisconsin**





Generalized Parking Area  
For Mobile Food  
Establishments

RIVERVIEW DRIVE

CHIPPEWA RIVER



Riverview Park  
Eau Claire, Wisconsin





Generalized Parking Area  
For Mobile Food  
Establishments



HAMILTON AVENUE

CRAIG ROAD

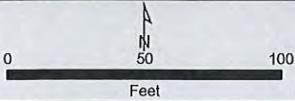
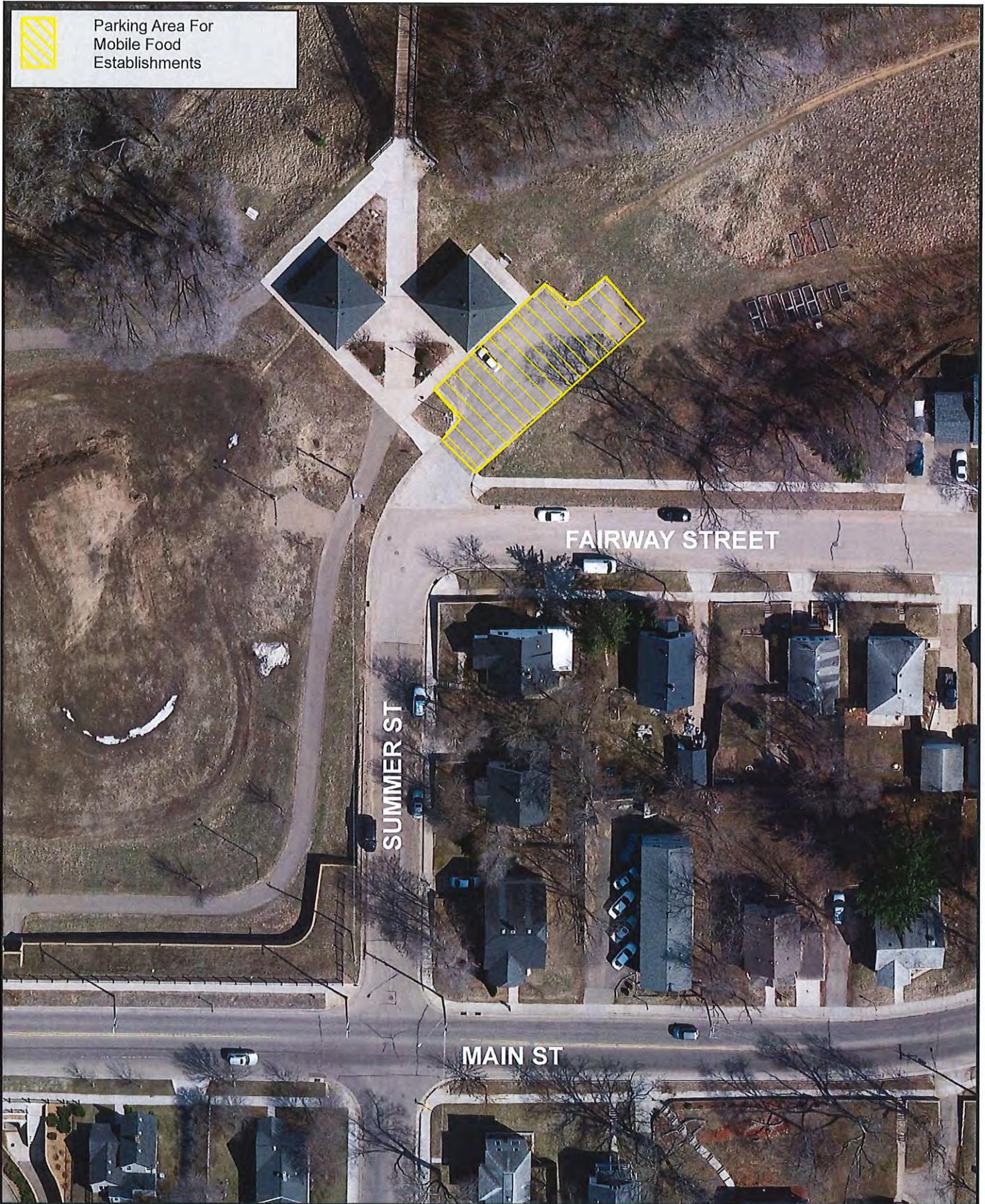


Eau Claire Soccer Park  
Eau Claire, Wisconsin





Parking Area For  
Mobile Food  
Establishments



**Boyd Park**  
**Eau Claire, Wisconsin**





Parking Area For  
Mobile Food  
Establishments

Half Moon Lake

BROADWAY ST

NINTH AVE



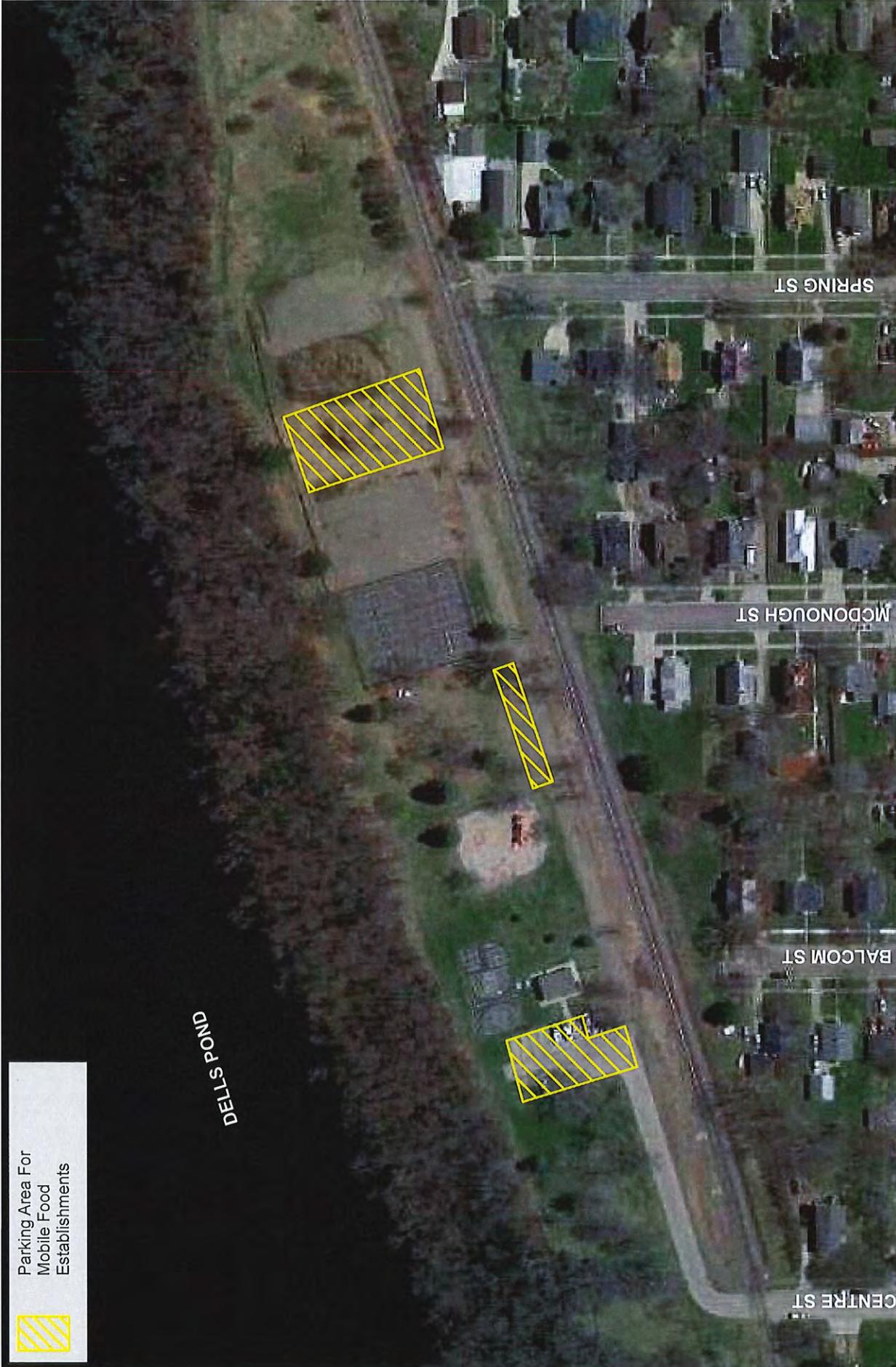
Lakeshore Park  
Eau Claire, Wisconsin



Parking Area For  
Mobile Food  
Establishments



DELETED



SPRING ST

MCDONOUGH ST

BALCOM ST

CENTRE ST

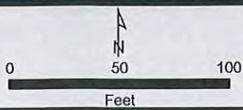


# McDonough Park Eau Claire, Wisconsin





Parking Area For  
Mobile Food  
Establishments

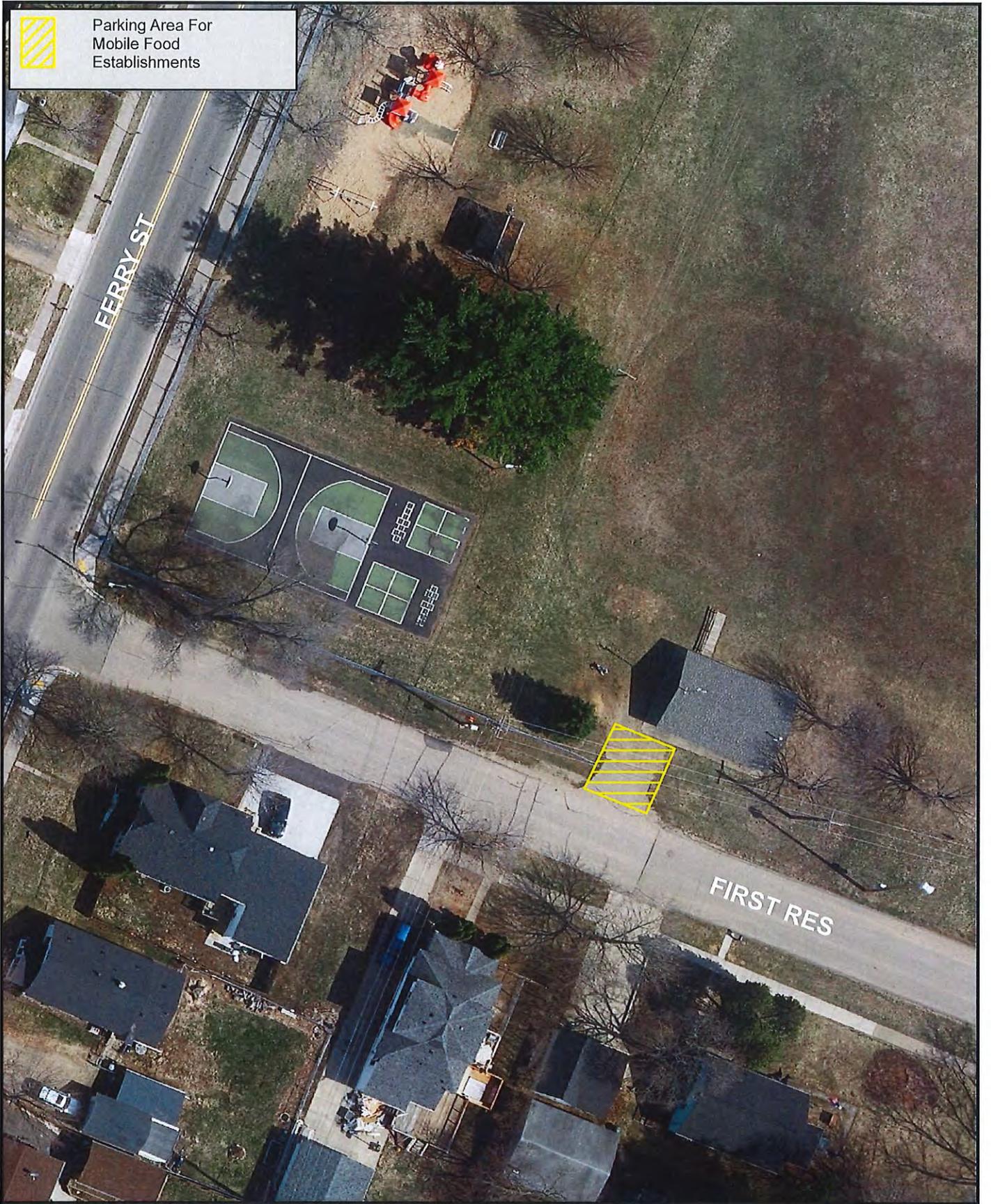


Half Moon Lake Park  
Eau Claire, Wisconsin





Parking Area For  
Mobile Food  
Establishments

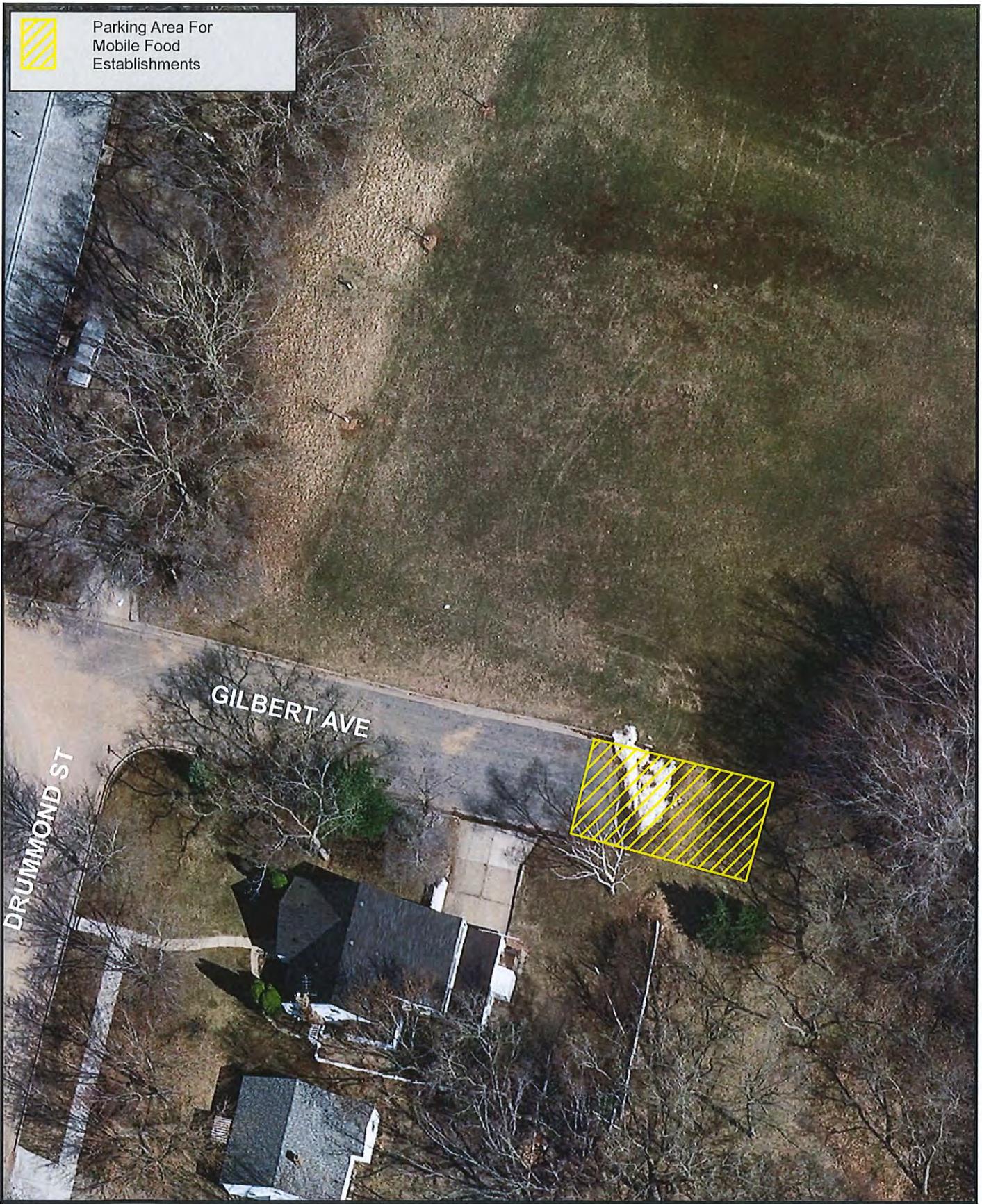


Newell Park  
Eau Claire, Wisconsin





Parking Area For  
Mobile Food  
Establishments

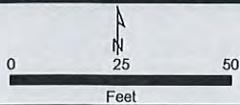
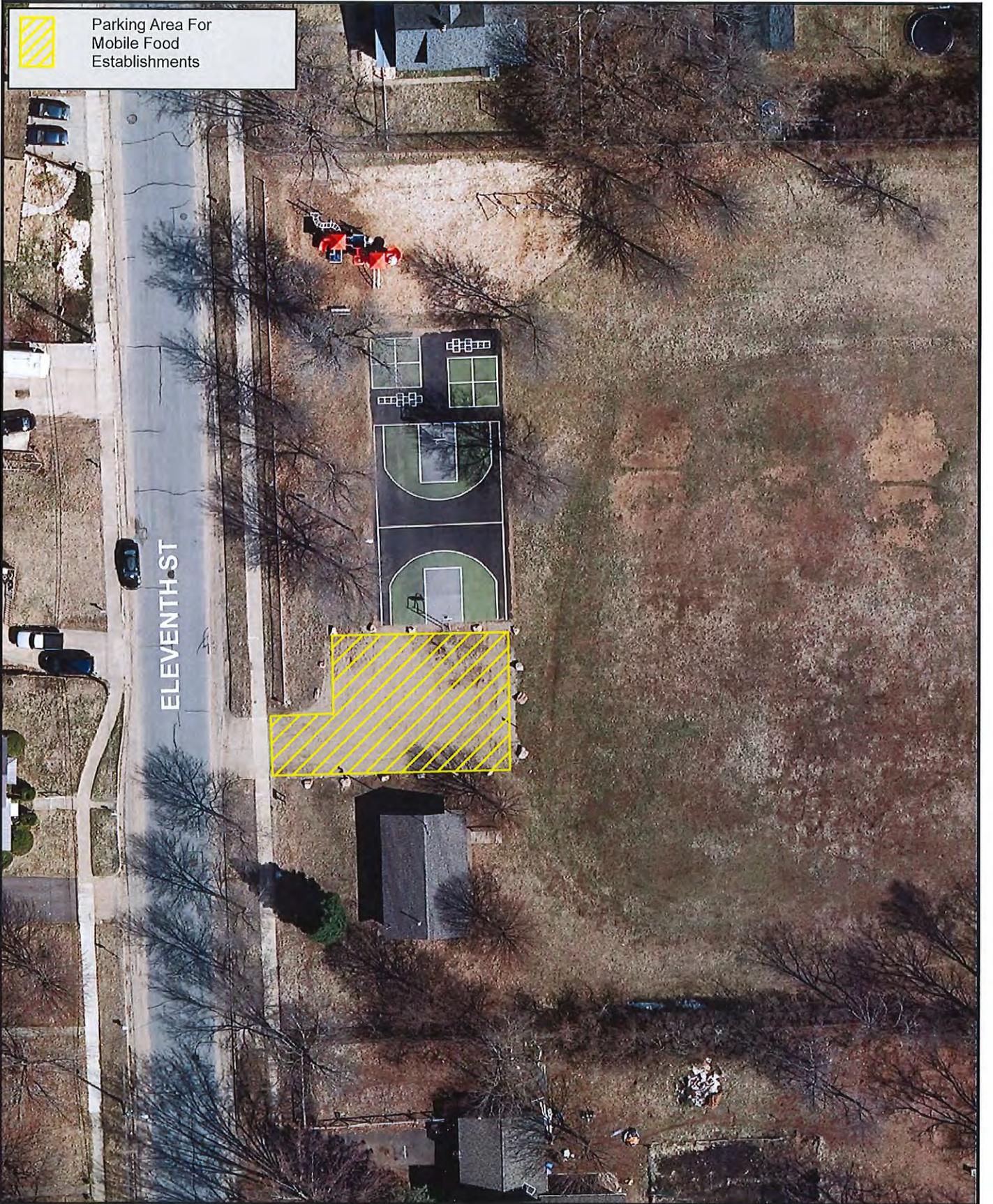


Kappus Park  
Eau Claire, Wisconsin





Parking Area For  
Mobile Food  
Establishments

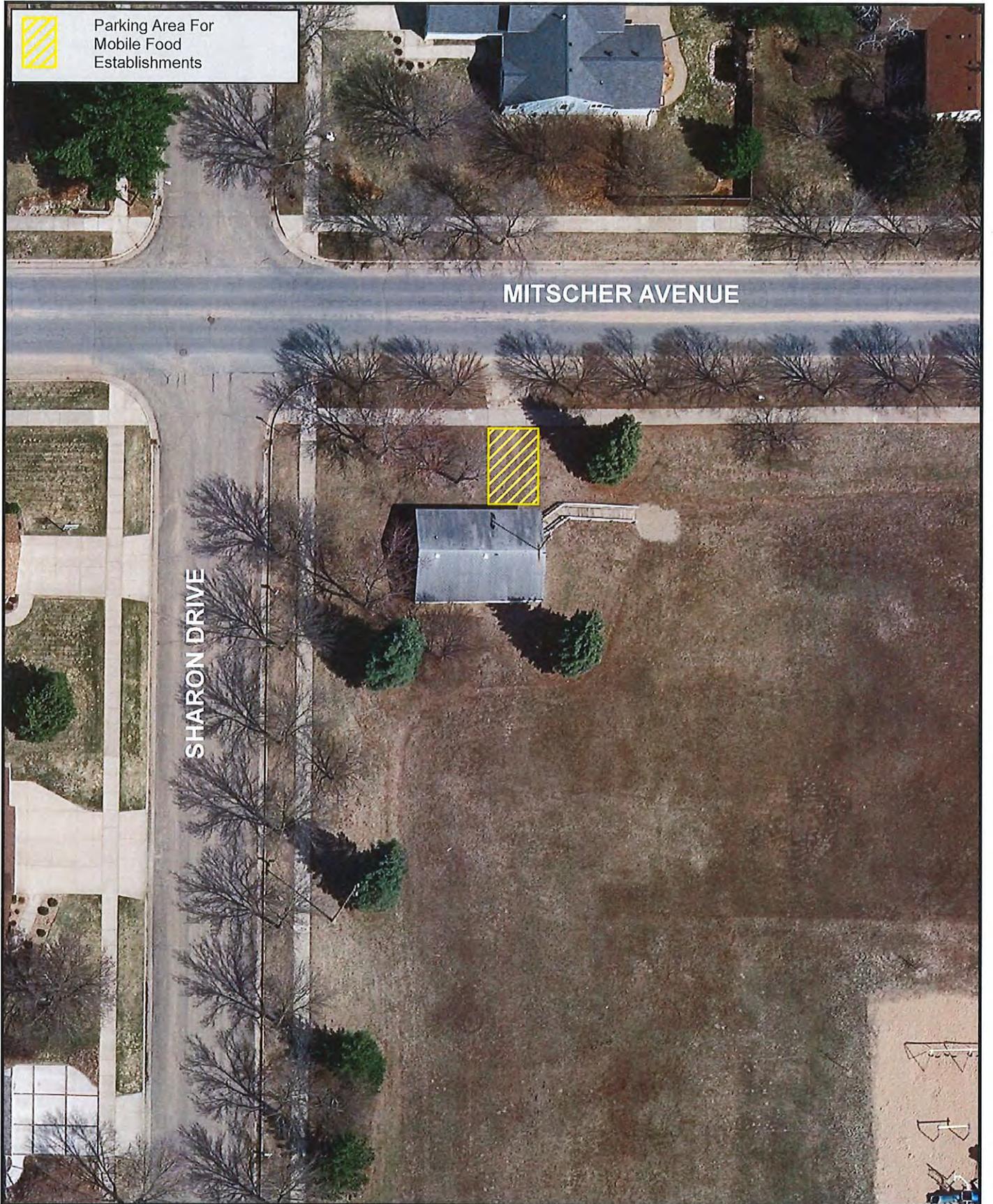


**Cameron Park**  
**Eau Claire, Wisconsin**





Parking Area For  
Mobile Food  
Establishments



MITSCHER AVENUE

SHARON DRIVE



Mitscher Park  
Eau Claire, Wisconsin



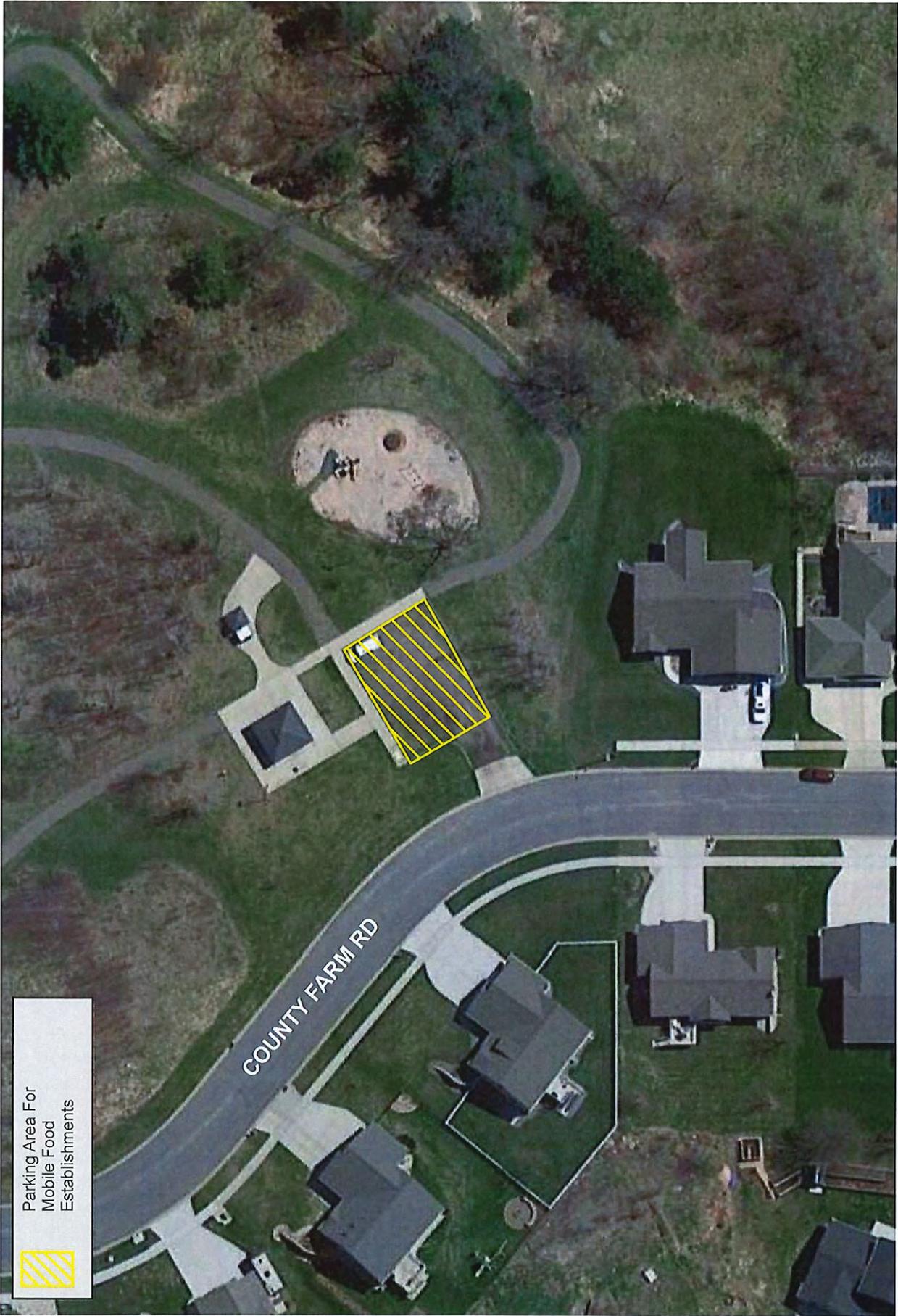


Parking Area For  
Mobile Food  
Establishments



Demmler Park  
Eau Claire, Wisconsin

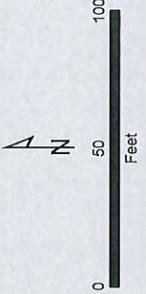




 Parking Area For  
Mobile Food  
Establishments



# County Farm Park Eau Claire, Wisconsin



**13.12.066 Mobile Food Establishments.** The city clerk or designee may issue licenses for mobile food establishment vendors for the sale of specified food and beverage items from mobile food establishments on the public streets and in certain specified locations in city parks which shall be operated and conducted in accordance with the requirements and limitations expressed in this section.

A. Notwithstanding the provisions of section 9.76.100 and section 13.12.060 of this code, no mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of any food or beverage items, produce or any other thing on any public street or any public property whatsoever in the city of Eau Claire, without having obtained an approved license from the city clerk or designee.

B. Each applicant shall file an application with the city clerk or designee on forms provided by the city for each proposed mobile food establishment. The city clerk or designee may require such information on the application as the city clerk or designee considers reasonable and necessary.

C. Each applicant shall pay an annual fee in an amount as stated in the city of Eau Claire fees and licenses schedule for each proposed mobile food establishment.

D. All mobile food establishment licenses shall expire on June 30<sup>th</sup> of each year, subject to renewal year to year thereafter.

E. No license shall be issued unless the mobile food establishment has successfully passed an inspection performed annually by the city of Eau Claire Fire Department.

F. No license shall be issued unless the mobile food establishment has been licensed for such use by the City-County Health Department and has a valid restaurant license from the city. Mobile food Eau Claire (Eau Claire 6/2016)

establishments shall acquire all licenses and permits for any additional food or beverage items deemed necessary by the City-County Health Department, even if not explicitly required by this section, for public health, safety or welfare purposes.

G. Each mobile food establishment shall be separately licensed and such license shall not be transferable to another mobile food establishment. Such license shall be conspicuously displayed within the mobile food establishment.

H. The licensee or the licensee's employee or agent shall be present within the vending site at all times during which items are displayed or sold.

I. A mobile food establishment shall meet the following vehicular requirements:

1. A mobile food establishment shall be designed and constructed specifically for the purpose of vending the product or products to be vended; and

2. A mobile food establishment shall have valid license plates and registration as required by Chapter 341, Wis. Stats; and

3. A mobile food establishment shall be in compliance with all Federal, State and local laws or regulations which govern motor vehicles, including, but not limited to, vehicle size requirements; and

4. A mobile food establishment shall be in safe, operable condition with no visible signs of rust or other deterioration; and

5. A sidewalk cart licensed under section 13.12.065 shall not qualify as a mobile food establishment and shall be exempt from this section.

J. All mobile food establishments shall be equipped with at least two (2) leak-proof, approximately thirty (30) gallon containers for the deposit of refuse, one container designated for trash and the other for recyclables. The licensee and his or her employee(s) shall be responsible at all times for the removal of all refuse resulting from his or her business or customer's use of his or her business. Such refuse shall be placed solely in the mobile food establishment's waste bins. No mobile food establishment shall discharge any material onto the street, sidewalk, gutters, storm drain or the property of another, including, but not limited to, public property.

K. The licensee shall permanently and prominently paint on or affix to the mobile food establishment a sign no smaller than twelve (12) inches by twelve (12) inches displaying, at a minimum, the name, address, and telephone number of the licensee. Such required information shall substantially fill the entire minimum space described herein. No separate free-standing signs shall be permitted in any location.

L. Each licensee shall provide proof of liability insurance for any single accident and for any property damage in the amount of \$1,000,000.00. Such liability insurance shall be in effect at all times the mobile food establishment is licensed in accordance with this section. A certificate of insurance for such coverage shall be delivered to the city clerk or designee prior to issuance of a license. If such insurance coverage is cancelled, not renewed, or materially changed, the insurer and licensee shall immediately provide notice to the city clerk or designee by certified mail. Failure to maintain such insurance may result in the suspension or revocation of the license.

M. Each licensee shall comply with all state codes and standards relating to the serving and selling of food or food products.

N. No mobile food establishment shall use bells or lights or any other noise-makers, other than music, to attract customers. Such music shall not be used after 9:00 p.m. on any day and shall maintain compliance with chapter 9.56 at all times.

O. No mobile food establishment shall operate before 8:00 a.m. or after 11:00 p.m.

P. A mobile food establishment shall comply with the following operation location requirements:

1. A mobile food establishment shall not be permitted to operate in those areas of the city and any adjacent streets that are situated within a residential zoning district in accordance with chapter 18.04 and any amendments thereto; and

2. A mobile food establishment shall not violate any traffic statute or ordinance; and

3. A mobile food establishment shall comply with all parking restrictions or other requirements and in any event shall not operate in any one location or parking spot, including in city parks, or along any one city block or equivalent length of street for a duration exceeding four (4) hours on any given day. Parking exemptions shall not be issued to a licensee under this section; and

4. A mobile food establishment, licensee or the licensee's agent or employee shall not reserve or otherwise hold parking spots on the public streets or in city parks; and

5. No mobile food establishment shall operate in or on any alley, boulevard, sidewalk, city trail, city park or public land unless:

13.12.066

a. specifically authorized through the special event approval process in section 9.59.030; or

b. operating in a designated location within Owen Park, Phoenix Park, Carson Park, Riverview Park, Soccer Park or Pinehurst Park per specifications of a license issued in accordance with this section; and

6. No mobile food establishment shall operate on any public street within 200 feet of any business holding a valid restaurant license from the City-County Health Department and a valid restaurant license from the city; and

7. No mobile food establishment shall operate in a congested area where such operation impedes or inconveniences public use, and shall at all times provide at least four (4) feet of width on all sides for clear and unobstructed pedestrian, bicycle, or other permissible use; and

8. No mobile food establishment shall obstruct an adjacent path or lane of travel, including motor vehicle lanes, bicycle lanes, sidewalks, trails or other designated parking areas; and

9. No mobile food establishment shall conduct business within 20 feet of the intersection of the sidewalk with any other sidewalk; and

10. No mobile food establishment shall conduct business within 10 feet of the extension of any building entrance or doorway to the curb line; and

11. No mobile food establishment shall conduct business within the same park or within 500 feet, whichever is greater, of any special event authorized in accordance with section 9.59.030, any pavilion rental, any other city facility rental or any sporting event scheduled through the city Department of Parks, Recreation and Forestry for one hour prior to, during, or one hour after the event or other scheduled use or rental period, unless specifically requested by the event organizer or special event permit holder and such request is obtained in writing and kept in the mobile food establishment; and

12. No mobile food establishment shall use City water, electricity or other utilities in the course of its operations in accordance with this section.

Q. All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times.

R. The denial of a license under this section may be appealed to the administrative review board in accordance with chapter 1.06.

S. The penalty for violation of any provision in this section shall be a forfeiture of not less than \$50.00 per day nor more than \$500.00 per day for each violation, together with the cost of prosecution. Ord. 7180, 2016)

**13.12.070 Violation--Penalty.** Any person, firm or corporation violating any provisions of this chapter, except as otherwise provided, shall upon conviction thereof, forfeit not less than five dollars, nor more than fifty dollars, together with the costs of prosecution and every day of violation shall constitute a separate offense. On default of payment of such forfeiture the violator so convicted shall be confined to the county jail of Eau Claire County for a term not exceeding thirty days unless such forfeiture and costs are sooner paid. (Prior code §5.18).

## Chapter 13.12

### STREET USE

#### Sections:

- 13.12.010 Fires in streets.**
- 13.12.020 Playing games.**
- 13.12.025 Skateboards, roller skates, roller skis, in-line skates or similar equipment.**
- 13.12.030 Warning lights required when.**
- 13.12.040 Tampering with barricades or lights.**
- 13.12.050 Hauling loose, dry materials.**
- 13.12.055 Dumpsters and roll-off boxes in the public right-of-way.**
- 13.12.060 Sale of goods.**
- 13.12.062 Sidewalk cafe permit.**
- 13.12.065 Sidewalk cart food vendors.**
- 13.12.066 Mobile Food Establishments.**
- 13.12.070 Violation--Penalty.**

**13.12.010 Fires in streets.** A. It is unlawful in any street or alley in the city for any person to burn any rubbish, leaves or other combustible material at any time.

B. Any person or persons found guilty of violating the provisions of this section shall be punished by a fine of not less than five dollars and the costs of prosecution. (Prior code §5.04).

**13.12.020 Playing games.** No person or persons shall, within the city, take part in any game of ball on a public street or alley, nor shall any person or persons take part in tossing or throwing a ball, flying a kite or in other game or play on any public street or alley which shall tend to impede or endanger public travel thereon, which may be dangerous to the safety of such person or persons, or which may be contrary to the interest of public safety. (Prior code §5.08).

**13.12.025 Skateboards, roller skates, roller skis, in-line skates or similar equipment.** A. It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller skis, in-line skates or similar equipment in any of the following places:

1. On any city street, except as provided in s. 9.76.055.
2. On any sidewalk in a business district. For purposes of this section, a business district shall be defined as any area primarily commercial in nature.
3. In any public parking ramp or parking lot, except as provided in s. 9.76.055.
4. On private property, unless permission has been received from the owner, lessee or person in charge of that property.
5. On any public step, railing, wall, or any appurtenance to a public way, including any such use by a bicycle or snowboard.

B. Operators or riders of skateboards, roller skates, roller skis, in-line skates or similar equipment shall yield the right of way to other pedestrians using city sidewalks or the bicycle way, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks or the bicycle way.

C. This section shall not include motor scooters. The operation of motor scooters is regulated pursuant to chapter 10.09 of this code. (Ord. 6438 §5, 2003; Ord. 6161, 2001; Ord. 5745 §2, 1997; Ord. 5260, 1992; Ord. 4644, 1986).

**13.12.030 Warning lights required when.** A. Every person, firm or corporation or the agent of any person, firm or corporation who receives permission from the superintendent of streets to place any building materials or other obstructions upon any street or highway in the city shall place and maintain upon or around such material or other obstruction each night from time of sunset until sunrise, while the same is upon the street or highway, sufficient lights to warn all persons riding, driving or passing along said street or highway of the presence of such material or obstruction.

B. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than five dollars and not more than fifty dollars, and costs of prosecution. (Prior code §5.09).

**13.12.040 Tampering with barricades or lights.** A. No person or persons shall knock down, destroy or injure any barrier, light or other protection in and upon streets, alleys and public places under construction or improvement in the city; nor shall any person walk, drive upon or in any way injure, disfigure or destroy any pavement upon any street, alley or public place not opened by the superintendent of streets for public use or travel; nor shall any person knock down, destroy or injure any manhole, water hydrant or catch basin in or upon any of the public streets or alleys in the city.

B. Any person or persons found guilty of violating any of the provisions of this chapter shall pay a fine not to exceed one hundred dollars, and the costs of prosecution; and in default of the payment of such fine and costs, by imprisonment in the county jail of Eau Claire County until such fine and costs are paid, not exceeding ninety days. (Prior code §5.10).

**13.12.050 Hauling loose, dry materials.** A. Any person who is engaged in drawing upon any public street crushed stone, sand, gravel, sawdust, ashes, cinders, lime, tanbark, shavings, waste paper, ice, mortar, coal, earth, rubbish, manure or other loose material likely to sift, fall or be blown upon the streets shall convey and carry the same in tight wagon or truck boxes, and in case the same fall or be scattered in any street, such person shall cause it to be forthwith removed.

B. No person shall cause or permit any automobile, wagon or other vehicle to be loaded and heaped up so that contents or any part thereof shall be scattered in any street or other public place in the city.

C. Any person violating any of the provisions of this section shall be fined not less than one dollar nor more than ten dollars and the costs for each offense, and in case of nonpayment of such fine and costs, shall be imprisoned in the county jail not less than five days nor more than twenty days. (Prior code §5.11)

**13.12.055 Dumpsters and roll-off boxes in the public right-of-way.** A. No person, firm or corporation, or the agent of any person, firm, or corporation, shall place a dumpster or roll-off box in the public right-of-way without first obtaining a permit from the department of engineering.

B. (Repealed by ord. no. 6712.)

C. It shall be the responsibility of the owner of the dumpster or roll-off box to obtain the permit.

D. The applicant for a permit shall provide the following information:

1. The name, address, and telephone number of the owner.
2. A 24-hour emergency contact name and telephone number.
3. The size of the dumpster.
4. The expected length of occupancy of the right-of-way.
5. The street address of the dumpster location.

E. Each dumpster or roll-off box shall be provided with safety markings consisting of the following approved methods:

1. Alternating red and white DOT-C2-approved 2-inch-wide retroreflective conspicuity tape applied along at least 50% of the exterior sides of the dumpster or roll-off box and entirely across the front and back ends of same. In addition, two 2-inch-by-12-inch segments of white retroreflective conspicuity tape shall be placed together to form an inverted "L" on the exterior of each upper corner of the dumpster or roll-off box.

2. One Type I barricade with an attached flashing yellow light. This barricade shall be placed on the side of the dumpster or roll-off box that faces approaching traffic. For a dumpster or roll-off box in an alley or sidewalk area, barricades of this type shall be provided on both sides of the dumpster or roll-off box that face vehicular or pedestrian traffic.

F. Dumpsters or roll-off boxes shall be located according to the following requirements:

1. Must be adjacent to or as close as possible to the work area.
  2. Permission must be obtained by the permit applicant from the affected property owner, if placed in front of a business or residence that is not affected by the work.
  3. Must allow a minimum of 11 feet for traffic when placed in an alley. Both ends of the dumpster or roll-off box must be delineated as in subsection E. of this section.
  4. Must not block fire exits or be placed under fire escapes.
  5. Must maintain 5 feet for pedestrian access when placed on a sidewalk.
- Protective barricades, together with signs at both ends, must be used to define the pedestrian passageway.
- G. Dumpsters or roll-off boxes shall not be placed:
1. Within a parking stall specifically designated according to section 346.50 of the Wisconsin Statutes for handicapped purposes.
  2. Within fifteen feet of any hydrant.
  3. Within twenty feet of any alley entrance.
  4. Within fifty feet of any street intersection.
  5. Within a traffic lane.
- H. The director of engineering or designee is authorized to approve placement of a dumpster or roll-off box in other locations within the public right-of-way, if in his or her judgment, the placement will not present a hazard to the public if adequate warning devices and safety measures are used.
- I. Failure to take corrective action within forty-eight hours of notification may result in the removal of the offending dumpster or roll-off box by city of Eau Claire personnel. Costs incurred in the removal may be charged against the owner of the dumpster or roll-off box.
- J. The penalty for violation of any provision of this section shall be a forfeiture of not less than \$50.00 per day or more than \$200.00 per day for each violation.
- K. Any person, firm, or corporation who repeatedly violates the conditions of this section shall be subject to review as described in section 8.32.040, License or permit--Revocation or suspension.
- L. A permit fee, as stated in the City of Eau Claire Fees and Licenses Schedule, shall be charged for each dumpster or roll-off box placed within the public right-of-way. (Ord. 7202, 2016; Ord. 6712, 2006; Ord. 6477, 2004).

**13.12.060 Sale of goods.** It is unlawful for any person, firm or corporation to set up or park any stand, wagon, automobile or other vehicle upon any of the public streets, sidewalks, boulevards, parkways or alleys in the city for the purpose of selling therefrom or exposing for sale any meat, provisions, popcorn, ice cream, confections, refreshments or other eatables or any goods, wares or merchandise, or for carrying on any business or trade whatsoever. This section shall not apply to mobile food establishments licensed in accordance with section 13.12.066 of this code. (Ord. 7180, 2016; Prior code §5.17).

**13.12.062 Sidewalk cafe permit.** A. Purpose: To further encourage the revitalization of the downtown and Water Street areas of the city, including the development of social and economic activity, the city council finds and determines:

1. That there exists a need for outdoor eating facilities in certain areas of the city to provide a unique environment for relaxation, social interaction, and food consumption.
2. That sidewalk cafes will permit enhanced use of the available public rights of way, will complement the restaurants operating from fixed premises, and will promote economic activity in an area.
3. That the existence of sidewalk cafes encourages additional pedestrian traffic and their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of sidewalk cafes to ensure a safe environment.
4. That the establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote public health, safety, and welfare.

B. Definitions.

1. "Sidewalk cafe" shall mean an expansion of a full service restaurant creating an outdoor dining facility on part of the public right of way that immediately adjoins the licensed premises for the purpose of consuming food or beverages prepared at the full service restaurant adjacent thereto. "Full service restaurant" shall mean an establishment requiring a restaurant license under chapter 8.16 of the city code of ordinances whose food sales are greater than 50 percent of its gross receipts.

2. "Downtown" shall mean the qualifying properties lying within the area bounded on the north by Cameron Street and William Street as extended to the Chippewa River, on the east by Dewey Street, on the south by Lake Street, and on the west by Fifth Avenue/Fulton Street/Whipple Street. The permitted area includes sidewalk located on both sides of a described boundary street.

3. "Water Street" shall mean the qualifying properties lying within the area bounded on the north by Chippewa Street, on the east by Second Avenue, on the south by the Chippewa River, and on the west by Ninth Avenue. The permitted area includes sidewalk located on both sides of a described boundary street.

C. Permit required.

1. Notwithstanding the provisions of section 13.12.060, a full service restaurant located in the downtown or Water Street areas of the city may apply to the director of engineering or designee for a permit to allow a restaurant to operate a sidewalk cafe. The director of engineering or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the city code of ordinances, or applicable state or federal law.

2. Before a permit may be issued, the application and site plan shall be reviewed for approval by the city/county health, city fire inspections and city building inspections departments.

3. Each permit shall be effective for one year, from April 1 until March 31.

4. The permit issued may be transferred to a new owner only for the location and area listed in the permit. The transferred permit shall be valid only for the remainder of the period for which it was originally issued. A new certificate of insurance must be filed with the city within 30 days of the permit transfer.

D. Permit application. Application for a permit to operate a sidewalk cafe shall be submitted to the department of engineering and shall include at least the following information:

1. Completed city application form.

2. Copy of a valid restaurant license in the city as required by chapter 8.16, Food Service Establishments.

3. Copy of a current certificate of insurance in the amount and categories required by section 13.12.062(H).

4. A layout, drawn to scale, which accurately depicts the dimensions of the existing sidewalk area and adjacent private property, the proposed location of the sidewalk cafe, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, bus shelters, sidewalk benches, trash receptacles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on 8½" x 11" paper, suitable for reproduction.

5. Photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas or other objects related to the sidewalk cafe.

6. A non-refundable application fee, as stated in the City of Eau Claire Fees and Licenses Schedule.

E. Permit fees.

1. The application fee for an initial sidewalk cafe permit, with or without an alcohol license expansion, shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

2. The annual renewal fee for a permit, with or without an alcohol license expansion, shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

F. Sidewalk cafe standards. The following standards, criteria, conditions, and restrictions shall apply to all sidewalk cafes, provided, however, that the director of engineering or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the city code of ordinances, and all applicable state and federal laws.

1. Sidewalk cafes are restricted to the public right of way immediately adjacent to the licensed full service restaurant to which the permit is issued.

2. Tables, chairs, umbrellas or other fixtures in the sidewalk cafe:

a. Shall not be placed within five feet of bus stops, taxi stands, fire hydrants, alleys, bike racks. Shall not be placed within five feet of a pedestrian crosswalk or corner curb cut.

b. Shall not block designated ingress, egress, or fire exits from or to the restaurant, or any other structures.

c. Shall be readily removable and shall not be physically attached, chained or in any manner affixed to any structure, tree, post sign, or other fixture, curb, or sidewalk.

d. Shall be removed when the sidewalk cafe is not in operation. Plant tubs may remain in the sidewalk cafe if approved under section 13.12.062(F)(5).

e. Shall be maintained in a clean, sanitary and safe manner.

3. Sidewalk cafes shall be located in such a manner that a distance of not less than four feet is maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, parking meters, traffic signs, trees, and all similar obstacles shall be considered obstructions.

4. The sidewalk cafe, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.

5. Plant tubs shall be located in the sidewalk cafe with the approval of the director of engineering or designee. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.

6. Umbrellas and other decorative material shall be treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. No portion of an umbrella shall be less than six feet eight inches above the sidewalk.

7. Signs to be used in the sidewalk cafe shall be in accordance with chapter 16.16 of the city code of ordinances.

8. No food preparation, food storage, refrigeration apparatus, or equipment shall be allowed in the sidewalk cafe.

9. No amplified entertainment shall be allowed in the sidewalk cafe unless authorized as part of a special event.

10. A copy of the site plan, as approved in conjunction with the current sidewalk cafe permit, shall be maintained on the permittee's premise and shall be available for inspection by city personnel at all times.

11. The sidewalk cafe permit covers only the public right of way described in the permit. Tables and chairs on private property will be governed by other applicable regulations.

12. Sidewalk cafes shall not operate after 10:00 p. m. or before 6:00 a. m.

13. The use of a portion of the public right of way as a sidewalk cafe shall not be an exclusive use. All public improvements, including, but not limited to trees, light poles, traffic signals, pull boxes, or manholes, or any public initiated maintenance procedures, shall take precedence over said use of the public right of way at all times. The Chief of Police or designee may temporarily order the removal of the sidewalk cafe for special events, including but not limited to, parades, sponsored runs or walks, or for public health and safety.

14. The city, its officers and employees, shall not be responsible for sidewalk cafe fixtures that are relocated or damaged.

G. Alcohol licensing. Alcohol beverages are not allowed on the public sidewalk at any time. Such activity is governed by chapters 5.28 and 9.52 of the city code of ordinances and by state laws. Notwithstanding the foregoing, the sale and service of alcohol beverages by full service restaurants located in the downtown or Water Street areas may be permitted, provided an expansion of the premise is approved by the City Council for the area described in the sidewalk cafe permit.

H. Liability and insurance. The permittee agrees to indemnify, defend, save, and hold harmless the City, its officers and employees, from any and all claims, liability, lawsuits, damages, and causes of action, which may arise out of the permit or the permittee's activity on the sidewalk cafe.

1. Commercial liability insurance in the amount of at least \$1,000,000 per occurrence for bodily injury and property damage, with the city of Eau Claire named as an additional insured, shall show that the coverage extends to the area used for the sidewalk cafe.

2. The permittee shall provide the city with an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.

I. Revocation or suspension. The approval of a sidewalk cafe permit is conditional at all times. A sidewalk cafe permit may be revoked or suspended by the director of engineering or designee where necessary to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to noncompliance with this section, the city code of ordinances, or applicable state or federal law.

J. Appeal. A revocation, suspension, or denial of a permit may be appealed by the permittee to the administrative review board under ch. 1.06. The permit suspension or revocation shall remain in effect pending the hearing.

K. Penalty. The penalty for violation of this section shall be a forfeiture of not less than \$50 or more than \$500 per day for each violation, together with the costs of prosecution. (Ord. 7202, 2016; Ord. 6586, 2005).

**13.12.065 Sidewalk cart food vendors**. Notwithstanding the provisions of sections 13.12.060 and 9.76.100 of this code, the city council may issue licenses for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

A. Each applicant shall file an application with the city clerk or designee on forms provided by the city for each proposed sidewalk cart. The city clerk or designee may require such information on the application as the city clerk or designee considers reasonable and necessary.

B. Each applicant shall pay an annual fee in an amount as stated in the city of Eau Claire fees and licenses schedule for each proposed sidewalk cart.

C. No application shall be accepted for filing unless the applicant possesses the proposed sidewalk cart ready and available for inspection.

D. Each sidewalk cart shall be separately licensed and such license shall not be transferable to another sidewalk cart.

E. All sidewalk cart food vendor licenses shall expire on March first of each year, subject to renewal year to year thereafter.

F. Each sidewalk cart shall be non-motorized and capable of being moved and kept under control by one person. The city council may grant a special license to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

G. All sidewalk carts 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 the sales area, the licensee and his employee(s) shall be responsible for the removal of all litter resulting from his business or customer's use of his business.

H. Affixed permanently and prominently to each cart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address, and telephone number of the licensee.

I. Each licensee shall provide proof of liability insurance for any single accident and for any property damage in the amount of \$250,000. A certificate of insurance for such coverage shall be delivered to the city clerk or designee prior to issuance of a license.

J. Each licensee shall comply with all state codes and standards relating to the serving and selling of food or food products.

K. No cart operator shall use noise-makers, other than bells, lights, or music to attract customers. Such bells and music shall not be used after 9:00 p.m. on any day.

L. No cart shall operate before 8:00 a.m. or after 11:00 p.m. on any day except in the downtown and Water Street areas, as defined in section 13.12.062 B., wherein no cart shall operate between the hours of 2:00 a.m. and 8:00 a.m.

M. No cart shall operate in any street, alley, or boulevard.

N. No cart shall operate on any public sidewalk within 50 feet of any business selling the same type product. Further, no cart shall operate on any public sidewalk within 50 feet of any concessions operation or other sidewalk cart vendor selling the same type product.

O. All vending activities shall be conducted so as to maintain a sufficient width of unobstructed public pedestrian walkway adjacent to the vending site. Any vending activities within the city's public parks shall only be permitted on the public sidewalks along the outside perimeter of those parks and shall not include the park's bicycle or walking paths, with the exception of public areas as stated in subsection P. hereof.

P. Sidewalk carts may be allowed to operate within the publicly owned property of Phoenix Park.

Q. A vendor shall be present within the vending site at all times during which items are displayed or sold.

R. The penalty for violation of any provision in this section shall be a forfeiture of not less than \$50.00 per day nor more than \$200.00 per day for each violation, together with the cost of prosecution. (Ord. 6706, 2006; Ord. 6408, 2003).

**13.12.066 Mobile Food Establishments.** The city clerk or designee may issue licenses for mobile food establishment vendors for the sale of specified food and beverage items from mobile food establishments on the public streets and in certain specified locations in city parks which shall be operated and conducted in accordance with the requirements and limitations expressed in this section.

A. Notwithstanding the provisions of section 9.76.100 and section 13.12.060 of this code, no mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of any food or beverage items, produce or any other thing on any public street or any public property whatsoever in the city of Eau Claire, without having obtained an approved license from the city clerk or designee.

B. Each applicant shall file an application with the city clerk or designee on forms provided by the city for each proposed mobile food establishment. The city clerk or designee may require such information on the application as the city clerk or designee considers reasonable and necessary.

C. Each applicant shall pay an annual fee in an amount as stated in the city of Eau Claire fees and licenses schedule for each proposed mobile food establishment.

D. All mobile food establishment licenses shall expire on June 30<sup>th</sup> of each year, subject to renewal year to year thereafter.

E. No license shall be issued unless the mobile food establishment has successfully passed an inspection performed annually by the city of Eau Claire Fire Department.

F. No license shall be issued unless the mobile food establishment has been licensed for such use by the City-County Health Department and has a valid restaurant license from the city. Mobile food Eau Claire (Eau Claire 6/2016)

establishments shall acquire all licenses and permits for any additional food or beverage items deemed necessary by the City-County Health Department, even if not explicitly required by this section, for public health, safety or welfare purposes.

G. Each mobile food establishment shall be separately licensed and such license shall not be transferable to another mobile food establishment. Such license shall be conspicuously displayed within the mobile food establishment.

H. The licensee or the licensee's employee or agent shall be present within the vending site at all times during which items are displayed or sold.

I. A mobile food establishment shall meet the following vehicular requirements:

1. A mobile food establishment shall be designed and constructed specifically for the purpose of vending the product or products to be vended; and

2. A mobile food establishment shall have valid license plates and registration as required by Chapter 341, Wis. Stats; and

3. A mobile food establishment shall be in compliance with all Federal, State and local laws or regulations which govern motor vehicles, including, but not limited to, vehicle size requirements; and

4. A mobile food establishment shall be in safe, operable condition with no visible signs of rust or other deterioration; and

5. A sidewalk cart licensed under section 13.12.065 shall not qualify as a mobile food establishment and shall be exempt from this section.

J. All mobile food establishments shall be equipped with at least two (2) leak-proof, approximately thirty (30) gallon containers for the deposit of refuse, one container designated for trash and the other for recyclables. The licensee and his or her employee(s) shall be responsible at all times for the removal of all refuse resulting from his or her business or customer's use of his or her business. Such refuse shall be placed solely in the mobile food establishment's waste bins. No mobile food establishment shall discharge any material onto the street, sidewalk, gutters, storm drain or the property of another, including, but not limited to, public property.

K. The licensee shall permanently and prominently paint on or affix to the mobile food establishment a sign no smaller than twelve (12) inches by twelve (12) inches displaying, at a minimum, the name, address, and telephone number of the licensee. Such required information shall substantially fill the entire minimum space described herein. No separate free-standing signs shall be permitted in any location.

L. Each licensee shall provide proof of liability insurance for any single accident and for any property damage in the amount of \$1,000,000.00. Such liability insurance shall be in effect at all times the mobile food establishment is licensed in accordance with this section. A certificate of insurance for such coverage shall be delivered to the city clerk or designee prior to issuance of a license. If such insurance coverage is cancelled, not renewed, or materially changed, the insurer and licensee shall immediately provide notice to the city clerk or designee by certified mail. Failure to maintain such insurance may result in the suspension or revocation of the license.

M. Each licensee shall comply with all state codes and standards relating to the serving and selling of food or food products.

N. No mobile food establishment shall use bells or lights or any other noise-makers, other than music, to attract customers. Such music shall not be used after 9:00 p.m. on any day and shall maintain compliance with chapter 9.56 at all times.

O. No mobile food establishment shall operate before 8:00 a.m. or after 11:00 p.m.

P. A mobile food establishment shall comply with the following operation location requirements:

1. A mobile food establishment shall not be permitted to operate in those areas of the city and any adjacent streets that are situated within a residential zoning district in accordance with chapter 18.04 and any amendments thereto; and

2. A mobile food establishment shall not violate any traffic statute or ordinance; and

3. A mobile food establishment shall comply with all parking restrictions or other requirements and in any event shall not operate in any one location or parking spot, including in city parks, or along any one city block or equivalent length of street for a duration exceeding four (4) hours on any given day. Parking exemptions shall not be issued to a licensee under this section; and

4. A mobile food establishment, licensee or the licensee's agent or employee shall not reserve or otherwise hold parking spots on the public streets or in city parks; and

5. No mobile food establishment shall operate in or on any alley, boulevard, sidewalk, city trail, city park or public land unless:

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a. specifically authorized through the special event approval process in section 9.59.030; or

b. operating in a designated location within Owen Park, Phoenix Park, Carson Park, Riverview Park, Soccer Park or Pinehurst Park per specifications of a license issued in accordance with this section; and

6. No mobile food establishment shall operate on any public street within 200 feet of any business holding a valid restaurant license from the City-County Health Department and a valid restaurant license from the city; and

7. No mobile food establishment shall operate in a congested area where such operation impedes or inconveniences public use, and shall at all times provide at least four (4) feet of width on all sides for clear and unobstructed pedestrian, bicycle, or other permissible use; and

8. No mobile food establishment shall obstruct an adjacent path or lane of travel, including motor vehicle lanes, bicycle lanes, sidewalks, trails or other designated parking areas; and

9. No mobile food establishment shall conduct business within 20 feet of the intersection of the sidewalk with any other sidewalk; and

10. No mobile food establishment shall conduct business within 10 feet of the extension of any building entrance or doorway to the curb line; and

11. No mobile food establishment shall conduct business within the same park or within 500 feet, whichever is greater, of any special event authorized in accordance with section 9.59.030, any pavilion rental, any other city facility rental or any sporting event scheduled through the city Department of Parks, Recreation and Forestry for one hour prior to, during, or one hour after the event or other scheduled use or rental period, unless specifically requested by the event organizer or special event permit holder and such request is obtained in writing and kept in the mobile food establishment; and

12. No mobile food establishment shall use City water, electricity or other utilities in the course of its operations in accordance with this section.

Q. All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times.

R. The denial of a license under this section may be appealed to the administrative review board in accordance with chapter 1.06.

S. The penalty for violation of any provision in this section shall be a forfeiture of not less than \$50.00 per day nor more than \$500.00 per day for each violation, together with the cost of prosecution. Ord. 7180, 2016)

**13.12.070 Violation--Penalty.** Any person, firm or corporation violating any provisions of this chapter, except as otherwise provided, shall upon conviction thereof, forfeit not less than five dollars, nor more than fifty dollars, together with the costs of prosecution and every day of violation shall constitute a separate offense. On default of payment of such forfeiture the violator so convicted shall be confined to the county jail of Eau Claire County for a term not exceeding thirty days unless such forfeiture and costs are sooner paid. (Prior code §5.18).