

**Village of Balsam Lake**  
**Ordinance 2024-01**  
**Chapter 148 Mobile Food Units/Outdoor Food Stands**

The Village of Balsam Lake Board of Trustees at their meeting held on the 11<sup>th</sup> day of September, 2024 adopted the following changes.

**The Village of Balsam Lake Chapter 148-1 Definitions is to read:**

*Downtown area* means the area on Main Street, Balsam Lake.

*Food Business* shall mean selling prepackaged or limited ready-to-eat foods or beverage or preparing and/or serving foods or beverage from either an outdoor food stand or mobile food unit.

*Mobile food unit* means a vehicle or conveyance on wheels, either motorized or nonmotorized, used to conduct a food business.

*Outdoor food stand* means a stationary, nonmobile unit, either enclosed or not enclosed, with or without a roof, used to conduct a food business.

*Person* means any natural person, firm, corporation, association, club, partnership, society, or any other organization of every nature whatsoever.

*Transient vendor* means any person without a permanent place of business in the County of Polk who engages in the temporary business of selling or delivering goods from or near such person's vehicle.

*Vendor* shall mean a licensed outdoor food stand or mobile food unit.

**The Village of Balsam Lake Chapter 148-2 Exemptions is to read:**

The provisions of this article shall not apply to the following:

1. Those transacting business entirely inside a store building.
2. Those who operate a permanent business establishment that place items sold at such operator's business establishment directly outside of their business.
3. Those who operate home delivery conveyance of grocery stores, restaurants, dairies and/or bakeries.
4. Any person selling agricultural food products which such person has grown so long as there is on onsite food preparing and said person is licensed with the appropriate State or local agency.
5. Any person selling a food product at a farmer's market/flea market, on premises under the control of the farmer's market/flea market organizers, so long as said person is license with the Polk County Health Department and is properly inspected by the Fire Department.
6. Any person with a food stand/mobile food unit vending at a permitted special event, with permission from event organizers, so long as they are on the grounds under the control of the event organizers other than parade routes.
7. Any nonprofit organization that conducts an outdoor food stand only at occasional times, so long as said person notifies the Polk County Health Department.
8. A Village resident under the age of 18 selling water, soda, shaved ice or similar beverage only at occasional times from a stand on private property, or within a park with the permission of the Parks and Recreation committee.

**The Village of Balsam Lake Chapter 148-3 Enforcement is to read:**

The enforcement of this article shall be under the jurisdiction of the Balsam Lake Fire Department and/or the Balsam Lake Centuria Police Department, who shall have the power to inspect to determine compliance with this article.

**The Village of Balsam Lake Chapter 148-4 Location restrictions is to read:**

Licensed mobile food units are allowed in the following locations.

1. Zone 1: In the Industrial Park, 1 day per week, May 1<sup>st</sup> through October 31, Monday – Friday only.
2. Zone 2: In the downtown area: Friday – Sunday only. The mobile food unit must be located on private property. The mobile food unit is not allowed on the Village Street, state or county highway or Village owned property within the downtown area.
3. Permission must be obtained from the Village Board prior to Village celebrations, family celebrations or community wide events held by local organizations.

Licensed mobile food units shall not operate upon or in any alley, street, public grounds or land dedicated to public use or in any part thereof.

**The Village of Balsam Lake Chapter 148-5 Prohibited and required acts is to read:**

A vendor shall:

1. Obtain any other licenses(s) necessary, including, but not limited to, a Wisconsin seller's permit and food-related license issued by the Polk County Health Department prior to applying for the Village license and adhere to the requirements of any such other license.
2. Provide a trash receptacle of at least 32 gallons for customer use; the use of Village refuse containers is prohibited.
3. Clean up the areas within one-half block of stand/unit each day by removing any and all food waste, garbage, trash and debris (all to be disposed of in the vendor's trash receptacle) and sweep or rake area to remove all spillage.
4. Display the Village license and any other required licenses during operating hours or have available for display upon request of any enforcer or any person upon request.
5. Display name and telephone number of licensee in lettering permanently affixed to unit and not less than four inches high or on a sign that is not less than 12 inches by 12 inches.
6. Remove all vending equipment from public right-of-way during times when vending is prohibited.

A vendor shall not:

1. Block or restrict an individual's access to a business or residential doorway.
2. Sell or be in operation between the hours of 9:00 pm and 6:00 am unless vending in the downtown area in which operations shall be prohibited between the hours of 3:00 am and 6:00 am.
3. Block or restrict pedestrians on the public way.
4. Use audio or video equipment, such as speakers, amplifying device and video display monitors.
5. Sell food or beverages in glass containers or glassware.
6. Dispose of food waste or water used in food preparation or cleaning into storm drains, catch basins, manholes, sidewalks or streets.
7. Use extension cords to supply power to the stand/unit; all stands/units must be self-powered unless permission is given by property owner.
8. Allow any dining area to the food stand/unit, including, but not limited to, tables, chairs, booths, stools, benches or stand-up counters; unless vending solely on private property or in public park with approval by the Parks and Recreation committee.

**The Village of Balsam Lake Chapter 148-6 License required is to read:**

No person shall operate an outdoor food stand or mobile food unit without first obtaining a license in compliance with the provisions of this division. A separate license is required for each stand/unit.

**The Village of Balsam Lake Chapter 148-7 Application is to read:**

A license shall only be granted where the following requirements are satisfied:

1. Any person requiring a license under this division shall make a sworn application in writing on a form furnished by the Village Clerk which shall require the following information:
  - a. Name, address and telephone number of applicant.
  - b. Name, address and telephone number of the person, firm, association or corporation that said applicant represents or is employed by, or whose food is being sold.
  - c. A description of the food being offered.
  - d. The location from which the business will be conducted, including written authorization of the property owner where the stand/unit will be located.
  - e. The size and/or dimensions of outdoor food stand/mobile food unit and construction materials.
  - f. Make, model and license number of any vehicle to be used by the applicant in the conduct of the applicant's business.
  - g. Last cities, villages, towns, not to exceed five, where the applicant conducted similar business.
  - h. Statement as to whether the applicant has been convicted of any crime or ordinance violation related to applicant's business or solicitation within the last five years, and the nature of the offense and the place of conviction.
2. Applicants shall present to the Village Clerk for examination and/or to be photocopied:
  - a. A driver's license or some other proof of identity as may be reasonable required.
  - b. Wisconsin seller's permit.
  - c. Food-related permit issued by the Polk County Health Department.
  - d. Vehicle certificate of registration/licensing, if applicable.
3. The application must be received at least 15 days in advance of any license being issued.
4. Insurance. The applicant shall procure insurance as provided.

**The Village of Balsam Lake Chapter 148-8 Licensing fee/duration is to read:**

*Zone 1 Fee:* The application price is \$250.00 per application within the Industrial Park.

*Duration:* License shall have a term of May 1<sup>st</sup> through October 31<sup>st</sup> each year. Monday – Friday only.

*Zone 2 Fee:* The application price is \$500.00 per application within Main Street (Village Center Commercial).

*Duration:* License shall have a term of May 1<sup>st</sup> through October 31<sup>st</sup> each year. Friday-Sunday only.

Exempt Applications are not required to pay a fee.

**The Village of Balsam Lake Chapter 148-9 Investigation/Inspection is to read:**

- a. Upon receipt of each application from the Village Clerk, the Balsam Lake Centuria Police Department shall conduct an investigation of the statements made on such application.

- b. The Village Clerk may report every application for which said stand or unit will use any cooking or heating appliance or propane to the Fire Department who may inspect or cause to be inspected each stand/unit, to determine whether it complies with all laws, ordinances, rules and regulations.
- c. The Village Clerk shall refuse to license the applicant if it is determined, pursuant to the investigation referenced in subsection (a) or the inspection referenced in subsection (b) of this section or section 148-7 or section 148-8, that:
  - 1. The application contains any material omission or materially inaccurate statement.
  - 2. Complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, in which the applicant conducted similar business;
  - 3. The applicant was convicted of a crime, statutory ordinance or ordinance violation the nature of which is directly related to the applicant's fitness to engage in the conduct for which the license is requested.
  - 4. Applicant fails to comply with requirements of the Fire Department.
  - 5. The applicant failed to comply with any applicable revision of 148-7; or
  - 6. The applicant failed to pay the fees required for the license.

**The Village of Balsam Lake Chapter 148-10 Revocation or suspension is to read:**

The issuance of an outdoor food stand/mobile food unit is conditional at all times. A license may be revoked or suspended by the Police Department or Fire Department when necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to non-compliance of this section, this Code or applicable State or Federal laws.

**The Village of Balsam Lake Chapter 148-11 Appeal is to read:**

A revocation, suspension or denial of a license may be appealed to the Village Board of Trustees.

This amendment to the ordinance shall take effect and be in force September 12<sup>th</sup>, 2024 upon passage and publication as provided by law.

Adopted on this 11<sup>th</sup> day of September, 2024

Balsam Lake Village Board Trustees: President James Duncan Jr, Jamey Flaherty, Kellie Flaherty, Gary Johnson, Len Manning, Jena Paquette, Corby Stark

Published: Inter- County Leader Newspaper

Signed \_\_\_\_\_  
James Duncan Jr, Village President

\_\_\_\_\_  
Amy VanDeBrake, Clerk-Treasurer