

ORDINANCE NO. 896-25

AN ORDINANCE AMENDING §22-168 THROUGH §22-173
AND CREATING §22-174 OF THE VILLAGE OF HARTLAND CODE OF ORDINANCES
REGULATING MOBILE FOOD VENDORS

THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:

SECTION 1: THE CODE OF ORDINANCES OF THE VILLAGE OF HARTLAND §22-168 through §22-173 are hereby amended and §22-174 is created with the following regulating Mobile Food Vendors; to read as follows:

ARTICLE VII. – MOBILE FOOD VENDORS

• **Sec. 22-168 - Definitions.**

(A) “Mobile Food Vendor” or “Vendor” means the owner, owner’s agent or employee of a mobile food establishment.

(B) “Mobile Food Establishment” means a restaurant or retail food establishment where food is served or sold from a vehicle, trailer, cart, or similar portable device which shall be capable of periodically changing locations.

(C) “Mobile Food Cart” is identified as a mobile cart on wheels that is pushed by hand and not trailered or pulled with a vehicle in the park while vending, weighing less than 150 pounds and smaller than 6 feet long.

(D) “Food” means all articles used for food, non-alcoholic drink or condiment including ice or water used by humans whether simple, mixed or compound and articles used or intended for use as ingredients in the composition or preparation thereof.

• **Sec. 22-169 - License Required.**

(A) No Mobile Food Vendor shall sell any food whatsoever in the Village of Hartland without first obtaining an approved license from the Village Clerk unless exempted in this section. The following are exempt from Mobile Food Vendor license requirements:

1. Home delivery of food or beverage items.
2. Temporary food stands or produce stands which are regulated by a solicitors’ permit, or by other Village codes.
3. Rentals at Village facilities where Mobile Food Establishment services are not available to the public.

4. Where the Mobile Food Establishment is exclusively serving a private event not open to the general public on private property.

(B) All Vendors shall be licensed for such use by the Waukesha County Health Department and all other applicable agencies. Mobile Food Vendors shall acquire the appropriate licenses and permits for any additional food items not required under this subchapter if deemed necessary by the Waukesha County Health Department.

(C) An annual Mobile Food Vendor license may be applied for use on private property. When granted, the license shall be displayed at all times by the Mobile Food Establishment or business. The license shall be valid from January 1 of each year and shall expire on December 31 of each year.

(D) Mobile Food Vendors are not allowed to engage in any business activity on the Village streets without approval from the Village Board. They are allowed on private property with written permission and as allowed by the Village Board for the Farmers Market and Special Events.

(E) Mobile Food Vendors are allowed to operate in the Village Monday through Sunday between 7:00 a.m. and 11:00 p.m.

(F) A license shall be issued to a person or legal entity. A license shall not be transferable. A license is valid for one vehicle/trailer/cart only for each daily permit and shall not be transferrable between vehicles or trailers.

(G) Any Mobile Food Vendor shall fully and without haste comply with any order of the Police Department Officer or Fire Department Officer to ensure the safety of the public. Failure to comply may result in suspension or revocation of the license and/or issuance of a citation as allowed by law.

(H) The number of licenses allowed to be issued per year and the fee for a license as herein provided shall be as set forth and modified from time to time by the Village Board by Resolution.

- **Sec. 22-170 - Application Process.**

(A) Any person desiring to operate a Mobile Food Establishment shall apply for a license and pay the established license fee. The application shall be certified by the applicant and filed with the Village and shall contain such information as the Village shall require for the effective enforcement of §22-168 through 22-174 and the safeguarding of the residents of the Village from fraud, misconduct or abuse.

(B) Mobile Food Vendors must apply for a license in person at Village Hall during normal business hours. Village staff will verify all licenses and insurance are in proper order and issue a license to be posted on the Mobile Food Establishment during all times of permitted use.

(C) Applications will be reviewed and approved by the Village Manager, who may impose such conditions as deemed appropriate to protect public health, safety and general welfare.

- **Sec. 22-171 - Application Requirements.**

(A) A completed Mobile Food Vendor Application with signature and payment of fees.

(B) The applicant shall submit a copy of a Mobile Retail Food License issued by Waukesha County or other county/municipality with the authority to issue retail food licenses.

(C) The applicant shall provide a Mobile Food Vendor License plan addressing sanitation, pedestrian and traffic safety including the following standards:

1. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian/vehicle conflicts or pedestrian safety hazards or impede building ingress/egress.
2. The proposed plan will not create any significantly adverse impacts on neighboring properties as a result of:
 - a. The accumulation of garbage, trash or other waste.
 - b. Noise created by operation of the equipment.
 - c. Light and glare.
 - d. Odors and noxious fumes.
3. The proposed plan will not be detrimental to public health, safety, or general welfare.
4. No Mobile Food Vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be submitted at the time of application if the Vendor wishes to operate on private property.
5. Electrical connections with extension cords to adjacent private properties shall be done in a safe manner at the discretion of the Village Building Inspector and with permission of the adjacent property owners.
6. Mobile Food Vendors shall not place tables and chairs in the public right-of-way, or in a manner that inhibits pedestrian or vehicle traffic.
7. Mobile Food Vendors shall be limited to two sandwich board, chalkboard, or whiteboard, in a size not to exceed 24" x 36". Sandwich boards must be located within three feet of the Mobile Food Establishment and not placed in the public right-of-way, or in a manner that inhibits vehicle traffic.

(D) All vehicles may be inspected by the Hartland Fire Department, Hartland Police Department, or Building Inspector at any time.

- **Sec. 22-172 – Mobile Food Vendors in the Parks**

(A) With Special Event - Mobile Food Vendors are allowed in Village parks in conjunction with an approved Special Event and an approved Mobile Food Vendor license. The Special Event organizer must give a Mobile Food Vendor permission to be present at the Special Event. This includes Special Events that the Village organizes.

(B) Without Special Event - Mobile Food Vendors shall be allowed in Village parks, during daylight hours, with an approved Mobile Food Vendor license in areas as identified on the Mobile Food Vendors in Parks Maps found on file with the Village Clerk and on the Village website. No more than two Mobile Food Vendors are allowed in any park on any date..

1. Food trucks/trailers/carts are allowed in Centennial, Penbrook and Hartbrook Parks.
2. Food trucks/trailers are allowed in Nixon Park on Mondays, Tuesdays and Wednesdays.
3. Food carts are allowed in Nixon Park any day of the week. During beer garden hours, food carts must stay outside the beer garden perimeter as indicated on the Mobile Food Vendors in Parks Map.
4. Food trucks/trailers/carts must be self-contained and no electricity will be provided. All trash and litter must be disposed of prior to leaving the park.

- **Sec. 22-173- Revocation or Suspension of License.**

(A) The Village Board or Village Manager may revoke or suspend any license issued under this subchapter for violation by any Property Owner/Business holding the license, Vendor or the Vendor's employee or agent of any provision of State law or Village ordinance which renders future vending contrary to the public health, safety or welfare; or for fraud or misrepresentation in solicitation under this chapter. Prior to revocation or suspension, the Village shall send written notice to the address on the license about the concerns or issues and provide 15 days for the Property Owner/Business and Vendor to correct the issue or concern to the satisfaction of the Village. If the concern is not addressed within 15 days from the date of mailing the letter, the Village may place the issue of revocation and or suspension before the Village Board for possible action. The Property Owner/Business Vendor and/or their agent may appear before the Village Board to present information and respond to the issues of concern. The Clerk shall send written notice of the meeting date and time to the Property Owner/Business at the address on the application for consideration of the matter. Said notice shall be post marked at least 5 days prior to the Board meeting.

(B) An exception to this process exists in that any Public Health, Hartland Police or Fire Officer may immediately order the Mobile Food Vendor to stop service if said public health, Hartland Police or Fire Officer identify an immediate risk to the public health, safety or welfare of the community from the operation of the mobile food vendor. The Mobile Food Vendor shall not restart again until deemed safe by the appropriate authority

- **Sec. 22-174 – Violations and Penalties.**

Any person who shall violate any provision of this chapter or any rule or regulation made under this chapter shall be subject to a penalty as provided in Appendix B citation deposits of this code.

SECTION 2: Appendix B, Citation Deposits, is amended to reflect the Violations and Penalties provision for Chapter 22 Mobile Food Vendors is Section 22-174.

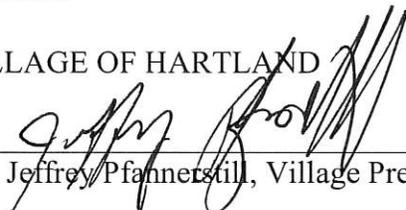
22-174	Mobile Food Vendor Violation	\$100.00	\$26.00	\$38.00	\$10.00	\$13.00	\$187.00
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SECTION 3: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

SECTION 4: This ordinance shall take effect and be in full force from and after its passage and publication.

Passed and approved this 23rd day of June, 2025.

VILLAGE OF HARTLAND

By: 

Jeffrey Pfannerstill, Village President

ATTEST:


Sandee Policello, Village Clerk



Village of Hartland GIS
Food Truck Parking Village Parking Lot



Village of Hartland
 210 Cottonwood Ave
 Hartland, WI 53029
 262-367-2714

DISCLAIMER:

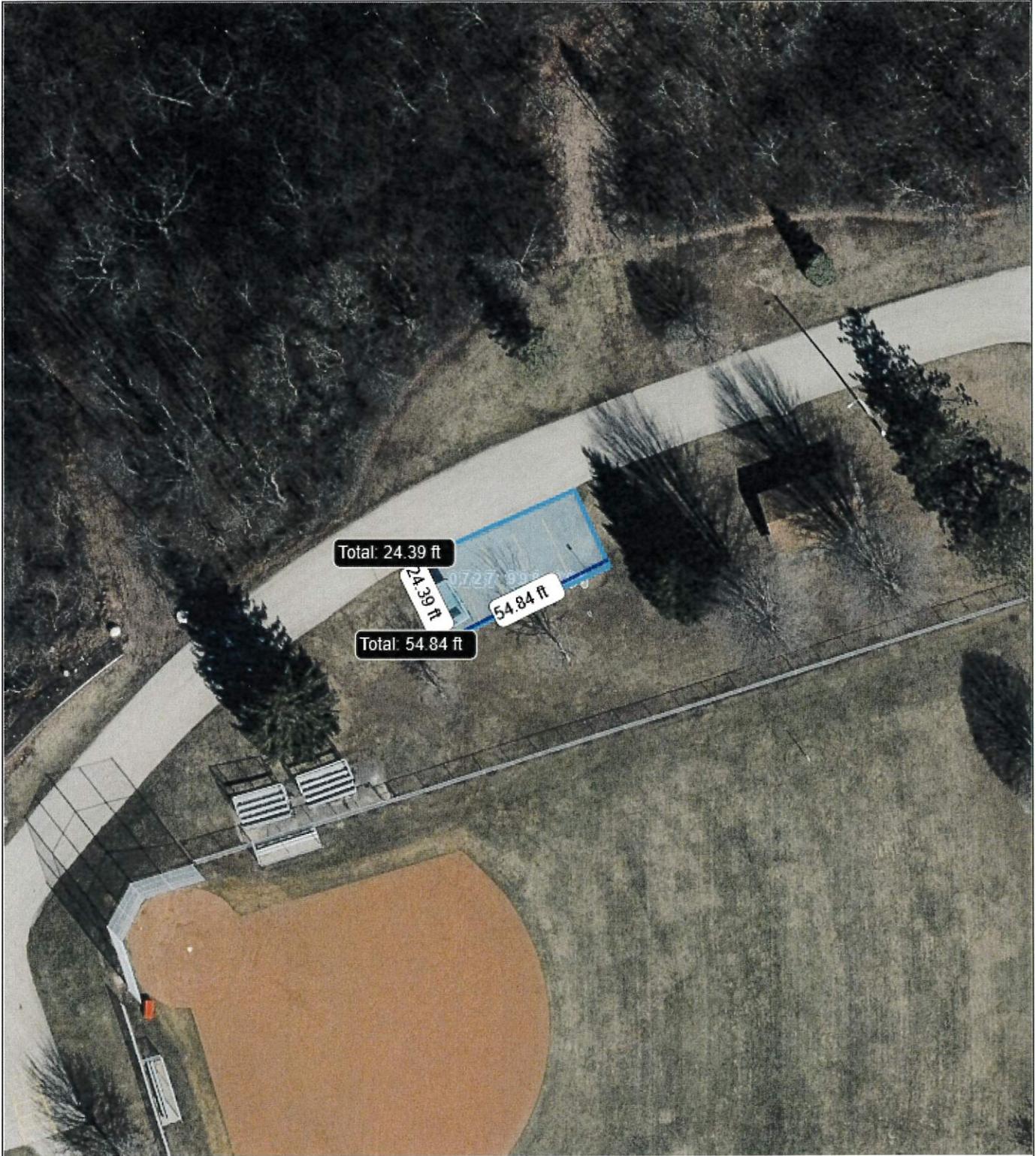
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SCALE: 1 = 87'

Print Date: 5/19/2025



Village of Hartland GIS
Food Truck Parking Penbrook



Village of Hartland
210 Cottonwood Ave
Hartland, WI 53029
262-367-2714

DISCLAIMER:

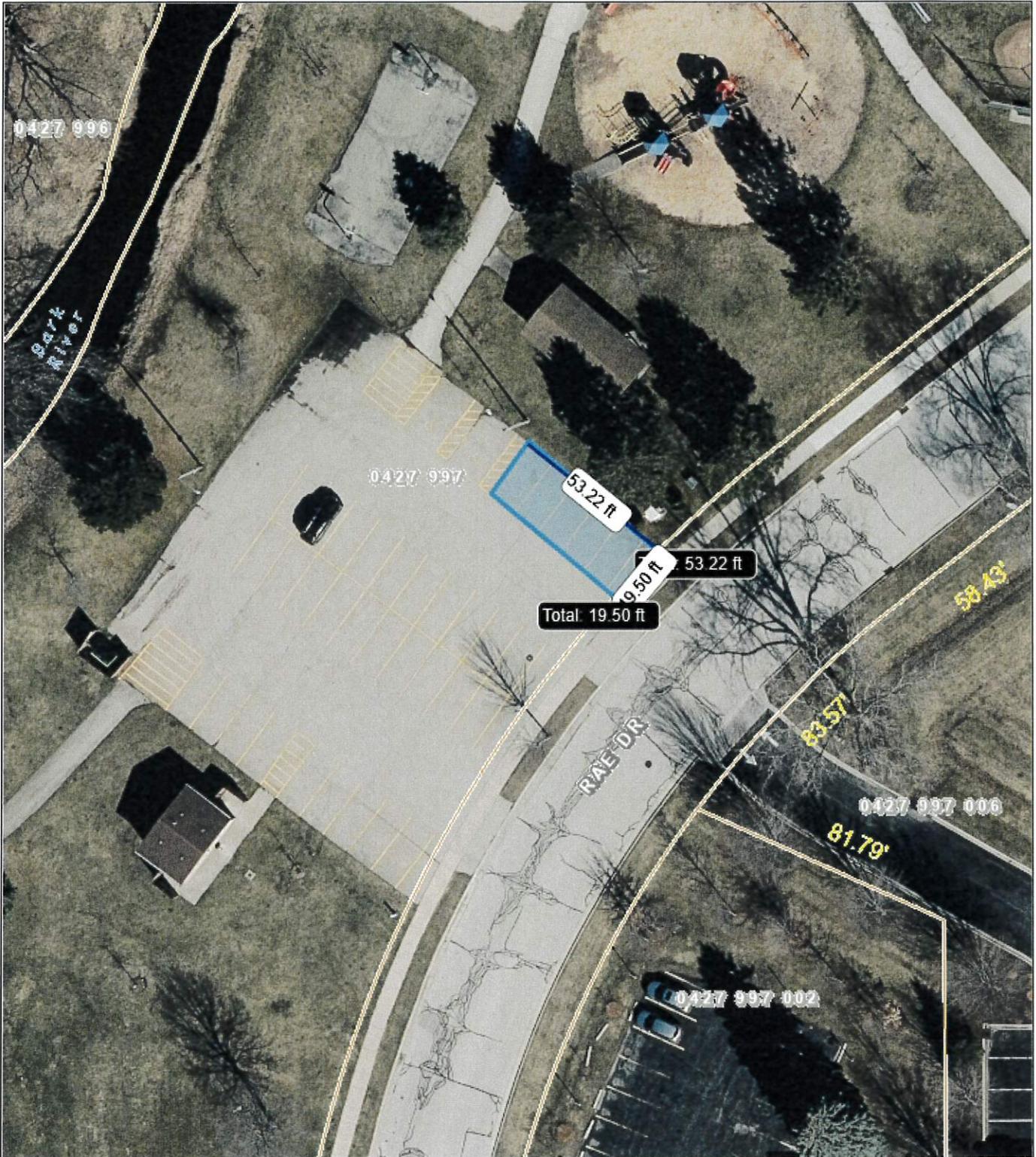
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SCALE: 1 = 41'

Print Date: 5/19/2025



Village of Hartland GIS
 Food Truck Parking Hartbrook Park



Village of Hartland
 210 Cottonwood Ave
 Hartland, WI 53029
 262-367-2714

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SCALE: 1 = 41'

Print Date: 5/19/2025



Village of Hartland GIS
Food Truck Parking Nixon



Village of Hartland
210 Cottonwood Ave
Hartland, WI 53029
262-367-2714

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SCALE: 1 = 83'

Print Date: 5/19/2025