

ORDINANCE NO.: 5104

A SECOND AMENDED ORDINANCE to amend various sections of Ch. 10, Article X of the Code of Ordinances of the City of La Crosse regarding Outdoor Food Stands and Mobile Food Units.

THE COMMON COUNCIL of the City of La Crosse does ordain as follows:

SECTION I: Section 10-393 is hereby amended to read as follows:

Sec. 10-393. - Definitions.

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.

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

SECTION II: Sections 10-394 (2), (5), (6), (7), (8) and (9) are hereby amended to read as follows:

Sec. 10-394. - Exemptions.

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

- (2) Those who operate a permanent business establishment that place items sold at such operator's business establishment directly outside of their business;
- (5) Any person selling ~~goods~~ 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 licensed with the La Crosse County Health Department and is properly inspected by the Fire Department – Fire Prevention and Building Safety Division, if necessary;
- (6) A transient vendor selling a food product from a conveyance for a limited time and possessing a direct seller permit so long as there is no onsite food preparation and said person is licensed with the appropriate State or local agency (i.e. meat or produce truck);
- (7) Any person with a food stand/unit at a festival, with permission from festival organizers, on premises under the control of festival organizers; so long as said person is licensed with the La Crosse County Health Department and is properly inspected by the Fire Department – Fire Prevention and Building Safety Division, if necessary;
- (8) Any nonprofit organization that conducts an outdoor food stand ~~such business~~ only at occasional times, so long as said person notifies the La Crosse County Health Department;
- (9) A city 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 ~~Board of Park Commissioners~~ Parks and Recreation, Forestry,

Facilities and Grounds, so long as said person notifies the La Crosse County Health Department.

SECTION III: Section 10-395 is hereby amended to read as follows:

Sec. 10-395. - Enforcement.

The enforcement of this article shall be under the jurisdiction of the ~~Department of Public Works~~, Fire Department - Division of Fire Prevention and Building Safety and Police Department, who shall have the power to inspect to determine compliance with this article.

SECTION IV: Section 10-396 is hereby amended to read as follows:

Sec. 10-396. - Location restrictions.

Licensed mobile food units shall not operate upon or in any alley, public grounds or land dedicated to public use or in any part there. Where mobile food units are being operated in any street, all traffic and parking regulations shall be observed and no unit shall impede the free use of such street. No licensed mobile food unit shall be upon any street used as a parade route between the time one-half hour immediately preceding the commencement of any scheduled parade until after the conclusion of any scheduled parade. Where mobile food units are being operated on any sidewalk, no unit shall impede the free use of such sidewalk and shall not have any exclusive right to any stationary location thereon.

No person shall operate an outdoor food stand or mobile food unit on property within a public park of the City unless authorized to do so by the ~~Board of Park Commissioners~~ Parks and Recreation, Forestry, Facilities and Grounds. ~~No person shall operate an outdoor food stand or mobile food unit within 500 feet of any public park in which there is present a holder of a concession agreement approved by the Board of Park Commissioners or where the City operates a food stand or mobile food concession.~~

SECTION V: Sections 10-397(b) (2), (8), (9), (10) and (11) are hereby amended and renumbered to read as follows:

Sec. 10-397. - Prohibited and required acts.

(b) A vendor shall not:

- (2) Sell or be in operation between the hours of 9:00 p.m. and 6:00 a.m. unless vending on ~~private property~~ in the downtown area in which operations shall be prohibited between the hours of 3:00 a.m. and 6:00 a.m.
- (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, Forestry, Facilities and Grounds.
- (89) Sell within 300 feet of school grounds unless part of a non-profit or civic event on school grounds with permission from the respective school. except in the downtown area.

(910) Sell within 200 ~~150~~ **100** feet of a permanent merchant ~~retailing a similar product licensed restaurant, during its kitchen hours,~~ without written permission from the merchant ~~said restaurant—except in the downtown area; unless said vendor is operating within 50 feet of its mobile service base licensed by the La Crosse County Health Department.~~ To determine footage, measurement shall be taken from the restaurant's main public entrance door.

- (4011) Vend in the same location for more than five hours in any one day unless:
- Vending on private property either owned or leased by vendor.
 - Granted approval by the ~~Board of Park Commissioners~~ Parks and Recreation, Forestry, Facilities and Grounds pursuant to section 10-396 to vend in a public park of the City.

SECTION VI: Section 10-428 is hereby amended to read as follows:

Sec. 10-428. - Revocation or suspension.

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

SECTION VII: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION VIII: This ordinance shall take effect ~~and be in force from and after its passage and publication~~ January 1, 2020.

_____/s/_____
Timothy Kabat, Mayor
_____/s/_____
Teri Lehrke, City Clerk

Passed: 9/12/19
Approved: 9/13/19
Summary Published: 9/21/19