

CITY OF SPARTA
PUBLIC SAFETY AGENDA
April 6, 2020

VIA PHONE

5:30 p.m.

- 1. Call Meeting to Order**
- 2. Roll Call**
- 3. Consent Agenda: Consisting of Minutes from the March 2, 2020 regular meeting, and Police Department's monthly report for February and bills.**
- 4. Consideration of New/Renewal Bartender Licenses:**

**Amanda Loeder
Marissa Buchholz**

**Amy Weaver
Crystal Johnson (check with Chief & Julie)**

Kaitlin Morales

Temporary Licenses:

**Barbara Allard-Bluske
Marian Precht**

Jamie Soderling

Jessie Skiles

- 5. Discussion/Consideration of Changing Ordinance Regarding Number of Dogs you are Allowed to Have in the City**
- 6. Discussion/Consideration of Food Truck Ordinance or Policy**
- 7. Items for Future Consideration**
- 8. Adjourn**

A possible quorum of the Common Council may be in attendance at this meeting but no action will be taken by the Council.

Posted: 4-3-2020

**CITY OF SPARTA
PUBLIC SAFETY MINUTES
March 2, 2020**

PRESENT: Josh Lydon, Matthew Hoffland, Ed Lukasek, Jim Church, Kevin Brueggeman

ABSENT: None

ALSO PRESENT: Todd Fahning, Mark Sund, Chief Nottestad, Kristen Gust, Kevin Riley, owners of The Avenue Events and Venue

Jim Church called the meeting to order at 5:30 p.m.

A motion was made by Josh Lydon and seconded by Matthew Hoffland to approve the consent agenda consisting of the minutes of the February 3, 2020 meeting, and the Police Department's monthly report for January and bills. Motion carried 5-0.

Upon proper payment of fees, the following new/renewal bartender applications were approved on a motion made by Ed Lukasek and seconded by Kevin Brueggeman. Motion carried 5-0.

Chelsy Gebhardt	Cade Stark	Marshel Roswurm
Kathryn Adams	Susan Erickson	Carol Beenken
Reannon Nailor	Tonya Drawbond	
Temporary Licenses:		
Stephanie Ruedy	Kenneth Schmidt	Sally Lang
Gordon Bakken	Rebecca Solberg	Rachelle Witherow
Tara Shawley	Jill Oswald	Jacelyn Jaeger
Henry Haas	Linzi Rebik	Timothy Krauss
Jennifer Wangen	William Biederman	

A motion was made by Josh Lydon and seconded by Matthew Hoffland to approve the Temporary "Class B" Wine License for Sparta Area Chamber of Commerce for Wine Walk on May 7, 2020. Motion carried 5-0.

A motion was made by Josh Lydon and seconded by Matthew Hoffland to approve the "Class B"/Class "B" Liquor License for The Avenue Events and Venue, LLC located at 1415 W. Wisconsin St. Motion carried 5-0.

A motion was made by Ed Lukasek and seconded by Kevin Brueggeman to approve the "Class B"/Class "B" Liquor License for Ignacio Morales dba LaBamba Restaurant located at 4105 Theater Road. Motion carried 5-0.

The next item on the agenda deals with our Ordinance regarding the number of dogs you can have. This was requested by a resident who planned on coming to this meeting, but ended up being ill. She had spoke to Ed Lukasek regarding this as they have an older dog and a younger dog. They wanted to get another younger dog to become playmates with their current younger dog as they don't know how long the older dog will be around. Chief mentioned that they are liberal with warnings and try to work with the residents. This item is tabled until next month.

Several City employees have received phone calls regarding having food trucks in the City. We currently do not have an ordinance regarding food trucks and since they are becoming more popular, we should have something in place. It is being suggested that they fill out an application so a background check can be made and also find out where they plan to park their truck. We don't want them parking their truck in areas where there are non-profit organizations working an event and have reserved the park or area. **A motion was made by Ed Lukasek and seconded by Kevin Brueggeman to have the City Attorney draft an ordinance and bring back and to include the permit. Motion carried 5-0.**

The City Administrators would like to see if we can get the meeting organized so that they are all done in 2 weeks. It was agreed that the Public Safety meeting would remain on the same day and time that they are currently meeting.

Items for future consideration were:

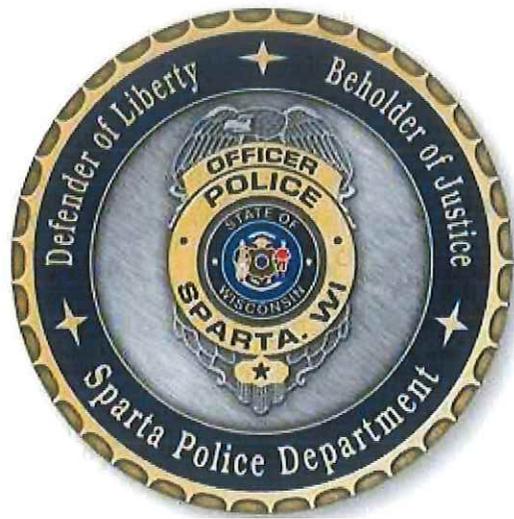
Chief asked the members what items they would like to see in her monthly report to them. They are to give her ideas as she may be able to delete some items or add some items.

A motion was made by Josh Lydon and seconded by Matthew Hoffland to adjourn at 5:55 p.m. Motion carried 5-0.

Respectfully Submitted,

Julie Hanson
City Clerk

Sparta Police Department
Monthly Report



February, 2020

During the month of February, the Sparta Police Department responded to 1183 calls for service, issued 99 traffic citations, and arrested 6 people for operating under the influence.

Various calls for service:

911 Call Response: 63

Crashes: 42

Assaults: 6

Burglaries: 0

Child Abuse: 1

Criminal Damage to Property: 1

Disturbances: 89

Chapter 51: 2

Sex Offenses: 2

Suspicious Activities: 43

Theft: 10

Traffic Stops: 300

Welfare Checks: 60

Arrest Data:

- Not available for February – the Records Clerk is currently on Administrative Leave.

Code Enforcement:

- No code enforcement statistics for the month of February - the Code Enforcement Officer is currently on Administrative Leave.

Personnel:

- Officer Fischer and Chief Nottestad attended a career fair at UW-Platteville, recruiting potential interns and employees.
- We closed our application process and will move forward to fill a vacant patrol position.
- Jamal Wagner is currently in field training, since all activities with the Police Recruit Academy are suspended indefinitely. He will continue through field training until the Academy restarts.

Training:

- Officers Fischer, Ludovice, and Schroeder attended the DOJ Instructor Development Course and became state-certified law enforcement instructors.
- Chief Nottestad and Lieutenant Ferguson attended the Chief's Conference.
- Officer Fischer attended a course on fighting in and around vehicles, which will be integrated with our firearms training later this year.
- Officer James, Officer Johnson, and Officer Guralski attended monthly regional K-9 training.
- CTU members attended monthly CTU training.

Chief's Notes:

- We had one officer injured in February during an altercation with a student at the High School.
- The Department was in the final stages of acquiring a therapy dog from a program at Oshkosh Correctional Institution, however our training has been postponed indefinitely due to the current COVID-19 restrictions.
- The Department is taking strict precautionary measures regarding COVID-19 exposures. The goal is to keep patrol coverage operating and emergency response uninterrupted. A memo was sent to all City Council members, City Administrators and Mayor Gust on March 23, 2020.

Current Balances

		Beginning Balance	Current Balance
100-52100-340	<u>Operating Supplies</u>	\$ 39,000.00	\$ 34,352.25
100-52100-310	<u>Office Supplies</u>	\$ 6,500.00	\$ 5,771.00
100-52100-393	<u>Uniform Allowance</u>	\$ 22,000.00	\$ 19,421.93
100-52100-240	<u>Repairs and Maintenance</u>	\$ 25,000.00	\$ 23,740.53
100-52100-320	<u>Pubs/Dues/Sems</u>	\$ 23,000.00	\$ 19,829.99
100-52100-241	<u>Radio Equipment</u>	\$ 2,150.00	\$ 2,150.00
100-52100-371	<u>Gas and Oil</u>	\$ 36,000.00	\$ 33,277.87
100-52100-391	<u>Telephone</u>	\$ 12,500.00	\$ 10,034.26
100-52100-392	<u>Physical Exams</u>	\$ 1,750.00	\$ 1,750.00
100-52100-394	<u>TIME System</u>	\$ 2,200.00	\$ 1,647.00
100-52100-396	<u>CTU</u>	\$ 5,000.00	\$ 5,000.00
100-52100-341	<u>Shooting Program</u>	\$ 6,000.00	\$ 6,000.00
401-54010-531	<u>Equipment - Police</u>	\$ 60,000.00	\$ 25,993.20
401-54010-539	<u>Equipment - Police Computers</u>	\$ 19,000.00	\$ 18,573.00
401-54010-540	<u>Equipment - Police Equip/Radios</u>	\$ 50,500.00	\$ 50,500.00
208-42000	<u>K-9 Donations</u>	\$ 31,361.66	\$ 30,695.26
100-49200	<u>Shop with A Hero</u>	\$ 4,260.34	\$ 4,260.34

Grant/Reimbursements

Date	Grant Information	Amount	Account	Notes
01/01/2020	Soo Line West Railroad - CP Railroad	\$ 2,000.00	401-54010-531	Grant for Breaching Equipment
01/06/2020	Rick Kast Payment for Junk Vehicles	\$ 131.00	100-52100-340	Payment for Junk Vehicle
01/14/2020	Rick Kast Payment for Junk Vehicles	\$ 1.00	100-52100-340	Payment for Junk Vehicle
02/10/2020	Taylor County Reimbursement for Wages - JL	\$ 93.04	100-52100-120	State vs K. Reid
02/27/2020	State of Wisconsin	\$ 5,627.00	100-52100-320	Reimbursement for Cellebrite Training

Sparta Police Department
February 2020 Expense Report

Grant/Reimbursements to Accounts				
02/10/2020	Taylor County Reimbursement for Wages (JL)	\$	93.04	100-52100-120
02/27/2020	State of Wisconsin	\$	5,627.00	100-52100-320

Operating Supplies 100-52100-340				
Beginning Balance		\$	34,973.20	
01/29/2020	United States Postal Service	\$	5.80	
01/29/2020	Wisconsin Department of Transportation TVRP	\$	3.06	
01/31/2020	Ripp Distributing	\$	40.00	
02/01/2020	Mayo Clinic	\$	125.00	
02/03/2020	EO Johnson	\$	76.28	
02/03/2020	EO Johnson	\$	242.46	
02/06/2020	Prime Media	\$	132.56	
02/24/2020	United States Postal Service	\$	4.65	
02/24/2020	United States Postal Service	\$	4.65	
02/04/2020	United States Postal Service	\$	4.90	
Total Expenses		\$	639.36	
Ending Balance		\$	34,333.84	

Office Supplies 100-52100-310				
Beginning Balance		\$	5,849.70	
02/12/2020	United States Postal Service	\$	4.65	
02/20/2020	Amazon	\$	74.05	
02/03/2020	Quickbooks	\$	40.00	
01/29/2020	Office Depot	\$	85.97	
02/06/2020	Office Depot	\$	89.99	
02/17/2020	Staples	\$	79.96	
Total Expenses		\$	374.62	
Ending Balance		\$	5,475.08	

Uniform Allowance 100-52100-393				
Beginning Balance		\$	20,723.24	
02/01/2020	Zero9 Holsters	\$	1,052.19	
02/14/2020	Carol Leis - Alterations	\$	51.00	
02/14/2020	5.11 Tactical	\$	191.97	
02/24/2020	United States Postal Service	\$	6.15	
02/25/2020	Military Name Tape Factory	\$	18.90	
01/31/2020	Galls	\$	8.51	
02/17/2020	5.11 Tactical	\$	576.71	

Sparta Police Department
February 2020 Expense Report

02/19/2020	LA Police Gear	\$	3.15
01/29/2020	5.11 Tactical	\$	159.98
02/16/2020	5.11 Tactical	\$	209.21

Total Expenses		\$	2,277.77
Ending Balance		\$	18,445.47

Repairs and Maintenance 100-52100-240

Beginning Balance		\$	24,147.14
02/05/2020	Arnolds Service and Towing	\$	274.06
02/04/2020	Auto Value Parts Store	\$	3.40
02/10/2020	Brenengen Ford	\$	87.29
02/08/2020	Walmart	\$	17.92
02/09/2020	Walmart	\$	23.94

Total Expenses		\$	406.61
Ending Balance		\$	23,740.53

Pubs/Dues/Sems 100-52100-320

Beginning Balance		\$	22,434.84
02/13/2020	WTC - BJ DAAT Instructor	\$	725.00
02/14/2020	WTC - Inst Develop (ZF, JL, & ES)	\$	600.00
02/17/2020	International Association of Chiefs of Police	\$	190.00
02/17/2020	Chula Vista Resort (CJ & KG)	\$	99.00
02/17/2020	Sparta Area Chamber of Commerce	\$	200.00
02/20/2020	CVTC - 4th Amed Refresher (KE)	\$	31.80
02/24/2020	Chief's Conference Travel Expenses (BF)	\$	74.89
02/24/2020	CVTC Recruiting Travel Expenses (EN)	\$	9.06
02/24/2020	Chief's Conference Travel Expenses (EN)	\$	328.10
02/27/2020	WI EGSR, INC	\$	50.00
01/14/2020	Kalahari Resort	\$	91.00
01/30/2020	Fox Valley Tech	\$	78.00
02/14/2020	Wisconsin Association of Women Police	\$	175.00
02/19/2020	2020 ASP-WI SWAT Conference (MN & KG)	\$	480.00
02/08/2020	Sun Country Airline (BF)	\$	442.80

Total Expenses		\$	3,574.65
Ending Balance		\$	18,860.19

Radio Equipment 100-52100-241

Beginning Balance		\$	2,150.00
Total Expenses		\$	-
Ending Balance		\$	2,150.00

Sparta Police Department
February 2020 Expense Report

Gas and Oil 100-52100-371		
Beginning Balance		\$ 33,277.87
02/29/2020	Kwik Trip	\$ 2,677.75
Total Expenses		\$ 2,677.75
Ending Balance		\$ 30,600.12

Telephone 100-52100-391		
Beginning Balance		\$ 11,879.27
02/03/2020	AT&T Firstnet	\$ 921.48
02/01/2020	Verizon Wireless	\$ 344.25
02/04/2020	Centurylink	\$ 2.00
02/04/2020	Centurylink	\$ 577.28
Total Expenses		\$ 1,845.01
Ending Balance		\$ 10,034.26

Physical Exams 100-52100-392		
Beginning Balance		\$ 1,750.00
Total Expenses		\$ -
Ending Balance		\$ 1,750.00

TIME System 100-52100-394		
Beginning Balance		\$ 1,822.00
02/05/2020	Wisconsin Department of Justice	\$ 175.00
Total Expenses		\$ 175.00
Ending Balance		\$ 1,647.00

Combined Tactical Unit 100-52100-396		
Beginning Balance		\$ 5,000.00
Total Expenses		\$ -
Ending Balance		\$ 5,000.00

Shooting Program 100-52100-341		
Beginning Balance		\$ 6,000.00
02/03/2020	Bulk Ammo	\$ 850.32
Total Expenses		\$ 850.32
Ending Balance		\$ 5,149.68

Sparta Police Department
February 2020 Expense Report

Equipment - Police 401-54010-531		
Beginning Balance		\$ 25,993.20
02/19/2020	LA Police Gear	\$ 234.18
01/29/2020	Rapid Action Gear & Equipment	\$ 325.00
Total Expenses		\$ 559.18
Ending Balance		\$ 25,434.02
Police Computers 401-54010-539		
Beginning Balance		\$ 18,671.01
02/05/2020	Amazon	\$ 24.02
01/16/2020	Walmart	\$ 73.99
02/21/2020	Sam's Club	\$ 189.98
Total Expenses		\$ 287.99
Ending Balance		\$ 18,383.02
Police Equipment/Radios 401-54010-540		
Beginning Balance		\$ 50,500.00
Total Expenses		\$ -
Ending Balance		\$ 50,500.00
K9 Donations 208-42000		
Beginning Balance		\$ 30,920.26
02/17/2020	2020 NAPWDA Wisconsin State Workshop (CJ)	\$ 225.00
01/27/2020	NAPWDA Membership (CJ & BJ)	\$ 90.00
Total Expenses		\$ 315.00
Ending Balance		\$ 30,605.26



SPARTA POLICE DEPARTMENT

Emilee Nottestad
Chief of Police

121 E. Oak St.
Sparta, WI 54656
Tel. 608-269-3122
Fax. 608-269-2156
www.spartawisconsin.org

March 9, 2020

Re: Operator License Application for Crystal LeAnn Johnson

Dear Members of the Public Safety Committee,

Crystal LeAnn Johnson submitted an application for a new operator's license on March 3, 2020. She meets all of the requirements to obtain a license and shows nothing in her background check that would eliminate her from being a license-holder. However, I wanted to make you aware that she failed to disclose a 2014 conviction for Domestic Battery within her application.

While I hesitate to keep anyone from gainful employment, I wanted you to have this information prior to making your decision regarding whether or not to grant Ms. Johnson's operator's license.

Respectfully,

A handwritten signature in cursive script that reads "Emilee Nottestad".

Chief Emilee Nottestad

Committed to Excellence

023

about 3-6-20

CITY OF SPARTA OPERATOR (BARTENDER) LICENSE APPLICATION

Please Note:

- You must be 18 years of age or older to apply.
- Answer all questions truthfully and completely. A records check will be conducted.
- A Beverage Server Certificate (www.learn2serve.com), proof of registration in the Class, or proof of having an Operator License within the last two years must accompany New, Renewal, or Provisional License Applications.
- The fee must accompany application and is non-refundable and non-transferable.

Application Date 3/4/2020

License Applying For:

- New \$60 (2 year) \$10.00
- Renewal \$60 (2 year)
- Provisional \$15 (1st time applicants only)
- Temporary \$15
Temp. Period Needed (1-14 days): _____
(No Beverage Certificate needed for the Temporary license and license is issued only to operators employed by, or donating their services to, nonprofit corporations. No person may hold more than one license of this kind per year.

Check the appropriate box that applies to you:

- I have an Operator's License in effect at this time. (Attach proof if not held w/City of Sparta)
- I have held an Operator's License within past 2 years (Attach proof)
- I have completed the Beverage Server Training Course within past 2 years (Attach Completion Certificate)
- I am enrolled in the Beverage Server Training Course

Class Date and Location: 3/3/2020 - online
(After completing the course, bring in your certificate to receive license)

- I am applying for a Temporary Operator's License

To City Clerk, City of Sparta, Wisconsin

I hereby apply for a license to serve from the date hereof to June 30, 2020, inclusive, fermented malt beverages and intoxicating liquors, subject to limitations imposed by Secs. 125.04, 125.12, 125.32, 125.68 of the Wisconsin Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, federal, state, or local, affecting the sale of such beverages and liquors if a license is granted to me.

PLEASE PRINT

Name Johnson Crystal LeAnn
Last First Middle

Home Address 262 Cottage St Sparta WI 54654
Street City State Zip

Mail License to (if different from Home Address) _____
Street City State Zip

Drivers License # JF251129151900 State Issued WI

Phone Number (608) 487-0494 Date of Birth 01/19/1991 Alternate Phone: (608) 487-6131

License to be used at (Name of Business) Wal Mart

OPERATOR (BARTENDER) LICENSE APPLICATION (Continued)

1. Have you been convicted of any felony or misdemeanor? Yes No
2. Have you been convicted of any license law or ordinance regulating the sale and/or consumption of fermented malt beverages or intoxicating liquors? Yes No
3. Are there presently any charges, federal, state, or local pending against you? Yes No
4. Do you presently have any outstanding forfeiture, fees, or fines owed to the City of Sparta? Yes No
- ~~5. Have you been a Wisconsin resident continuously for the past 90 days? Yes No~~

If you answered yes to any of the above questions, list the offense convicted of, pending conviction, date of conviction, and state and county of conviction.

Date:	Nature of Offense:	County:	State:
2012	DRIVE w/o Insurance	Houston	MN
2012	Drive after Suspension	Houston	MN
2010	DRIVE w/o Insurance	Houston	MN

The signing below the applicant states that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Signature of Applicant: *Crystal Johnson* Date: 3/4/2020

Signature of person receiving application: _____ Date: _____

FOR OFFICE USE ONLY

Receipt # 1.096805 Amount Paid: 10.00 3-5-20

License Expiration Date: Provisional: _____ (Not more than 60 days)
 Operators: June 30, _____ (Annual)
 Temporary Period: _____ (Not more than 14 days)

Date Granted: _____

License #: _____

Date Issued: _____

Chief of Police Recommendation

Yes _____ No _____

I would like to take a moment and ask the city of Sparta to change our ordinance from two dogs to three. I would have loved to be there in person to meet each and every one of you but I realize this is a challenging time for all of us and I wish nothing more than to keep our community safe. I have to say I was pretty tickled when Julie called and asked if I could put something together.

My story

My husband and I have had two dogs most of our marriage. We lost one of our dear dogs, Riley in 2019. My heart was broken as our dogs are bonus children. We thought long and hard but decided to add a young dog, Emma to our family. Emma is a joy to our family and her spunky little attitude keeps me young. My family also has a lovely older dog, Charlie, who let's say tolerates our spunky little Emma. As I watch Emma play with Charlie, I had a wonderful idea to add another young dog to our family. One that was little and as spunky as Emma so she could have a playmate. That is when I heard about the city of Sparta's ordinance of two dogs. I was disappointed. My children are off at college and my husband and I have the time to devote to our pups. We have never had other pets in the home due to asthma and allergies.

Change.org

I started an online petition asking the city of Sparta to sign if they believed they should be able to have 3 dogs' verses 2. The response was amazing! **372 people have signed!**

How many dogs do cities around us allow?

Onalaska: Number Limited. Under no circumstances shall any persons residing within any one residential unit or any one home located on any residentially zoned property or lot, own, harbor, board or keep in its possession more than four (4) dogs or four (4) cats, or a combined total of six (6) cats and dogs without the prior approval of the Common Council except that a litter of pups and/or kittens or a portion of a litter may be kept for not more than five (5) months from birth.

<https://www.cityofonalaska.com/index.asp?SEC=24FE234D-16C7-40AB-BF97-6180E1821303&DE=3A744B18-3094-4B25-B828-DBBE75895235>

LaCrosse: In accordance with City Ordinance, all dogs and cats that reside in the City of La Crosse must be licensed yearly by April 1. City Ordinance allows up to four (4) of any combination of dogs or cats per residence.

<https://www.cityoflacrosse.org/your-government/departments/finance/treasurer/pet-licensing>

Town of Sparta: The Town of Sparta permits no more than 3 dogs per household over 5 months of age.

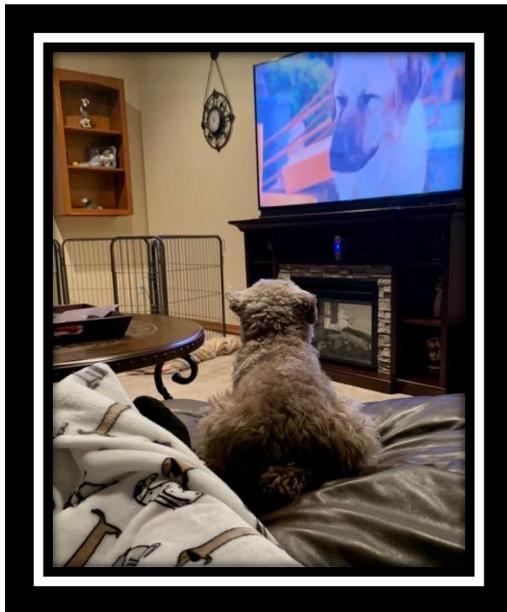
<http://townsparta.com/dogs.php>

The bottom line is we are asking for the ordinance to match the town of Sparta and to allow three dogs. There are always dogs in need looking for a furever home. Let us have the freedom to add one more furball to our families. With all of us being safe-at-home my dogs have added so much to my day. I have seen all of our neighbors out walking and running with their pup. It makes my heart happy.

Thank you all for you time and stay safe.

Respectfully,

Carrie Olson



What's Better Than a Movie Starring a Dog?



Vacation Really Makes One Tired.

Sec. 12-288. - Limit of dogs.

No individual owner or family unit living together, firm or corporation shall keep more than two dogs over the age of six months, excepting bona fide animal hospitals in which the dogs are confined and kennels.

(Prior Code, § 12.15(9))

Sec. _____ - Mobile food establishments.

(1) *Definitions.*

- (a) *Mobile food establishment* means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code.
- (b) *Mobile* shall mean the state of being in active, but not necessarily continuous movement.
- (c) *Mobile food vendor* means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the city.
- (d) *Edible goods* shall include but are not limited to:
 - 1. Prepackaged and prepared food including, but not limited to, ice cream, hot dogs, deserts, and pizza.
 - 2. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.
- (e) *Sell* shall mean the act of exchanging a good for profit or in return for a donation.
- (f) *Service base* means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.
- (g) *Vehicle* shall mean any motor vehicle as defined by § 340.01(35), Wis. Stats., or trailer as defined by § 340.01(71), Wis. Stats. "Vehicle" shall also include any bicycle or other self-propelled device.
- (h) *Vend* shall mean to sell or to transfer the ownership of an article to another for a price in money.

(2) *License required.*

- (a) No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the city, without having obtained an approved license from the city clerk.
- (b) All mobile food establishments used for vending food shall be licensed for such use by the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) and all other applicable agencies. Mobile food establishments shall acquire the appropriate licenses and permits for any additional food items not required under this subchapter if deemed necessary by the State health department.
- (c) *License.* Every mobile food vendor shall have a license issued by the city clerk to conduct business in the city. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.
- (d) *License fee.* The license to operate a mobile food establishment shall be \$100.00. If an applicant requests a license under this subchapter from an existing city based business that sells food based products, the license fee shall be \$50.00.
- (e) *License renewal.* Upon renewal of license, each applicant must provide a new application, a renewal fee of \$100.00, and any new permitting documentation upon the license renewal. License renewal from an existing city based businesses shall be \$50.00. If the applicant fails to submit the application and renewal fee within 30 calendar days after the expiration of the license, the applicant shall reapply as a new applicant.
- (f) *Transfer of license.* A license issued under this subchapter shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.

- (g) *Surrender of license; alteration of license; failure to display license.* On the expiration of a license issued under this subchapter, the license holder shall surrender the license to the city clerk. No person shall alter or change in any manner any license issued under the provisions of this subchapter, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.
- (3) *License application process.*
- (a) *Application.* Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the city clerk and pay the proper license fee for each mobile food establishment managed by the person. The city clerk shall forward the application to the police department for review. If the police department approves the application, the city clerk shall issue the license to the applicant.
- (b) *Application denial.* An applicant of a mobile food establishment may be denied where:
1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
 2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
 3. The applicant made a false statement on the application.
 4. The applicant is under 18 years old.
 5. The applicant is found to have unpaid civil judgment(s) which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.
- (c) *Appeal.* If the police department denies an application for a license, the applicant may appeal within 15 days after the city clerk mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Public Safety Committee.
- (d) *Hearing before committee.* The committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The common council may reverse or modify the committee decision.
- (e) *Issuance.* The clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the police department.
- (4) *License suspension or revocation.* The common council may revoke or suspend, no less than ten and not more than 90 days, any license under this subchapter for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any state law or city ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.
- (5) *Insurance.*
- (a) *Liability insurance.* The license holder under this subchapter shall have in force liability insurance for each mobile food establishment.
- (b) *Proof of insurance.* As evidence of liability insurance, the licensee shall furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of adequate liability insurance naming the city, its employees and agents as additionally insured in an amount not less than \$1,000,000.00. Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the city by certified mail.
- (6) *Sanitation requirements.*

- (a) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code but not limited to, the time, temperature, plumbing, operation and maintenance for mobile food establishments.
- (b) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and regarding preparation facilities, serving areas and operation areas.
- (c) The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the DATCP for annual inspections of the establishment at a location designated by the health department.
- (d) Service base required.
 - 1. All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the DATCP.
 - 2. All mobile food units shall be cleaned and serviced as often as necessary from the service base.
 - 3. All mobile food establishments shall return to its service base at least once every 24 hours for service and maintenance.

(7) *Conduct of business.*

- (a) *Regulations generally.* The following regulations shall apply to mobile food establishments during the regular order of business:
 - 1. A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.
 - 2. A licensee shall not use the license provided by the city after expiration or revocation of the license.
 - 3. A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.
 - 4. A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the city between the hours of 6:00 a.m. and 9:00 p.m.
 - 5. No mobile food establishment shall conduct business at a stationary location for a duration exceeding four hours per location per day.
 - 6. All persons conducting business on a sidewalk or terrace must maintain within 25 feet of their sales location, a clean, sanitary and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters or storm drain. Each person conducting business of this chapter shall carry a minimum 30-gallon container for placement of such litter by customers or other persons.
 - 7. A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subchapter.
 - 8. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.
 - 9. 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. No sales shall be made from a

vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.

10. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.
11. No person shall provide or allow any dining area to the mobile food establishment, including, but not limited to, tables and chairs, booths, stools, benches or stand up counters.
12. Signage may only be permitted when placed on the mobile food establishment. No separate free-standing signs are permitted.

(b) *Vehicle regulations.*

1. Any vehicle or other on-street units used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.
2. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with chapter 9-8 of the City of Sparta Code of Ordinances.
3. All mobile food establishments shall be entirely self-contained in regards to gas, water, electricity, and equipment(s) required for operation of the unit.
4. All mobile food vehicles must have valid license plates and registration as provided by chapter 341, Wis. Stats.
5. No vehicle or unit may violate any traffic or parking statute or ordinance when stopping to make sales.
6. No flashing or blinking lights, or strobe lights are allowed on a mobile food establishment or related signage when the establishment is parked and engaged in serving customers. All lighting is subject to review by the City of Sparta and shall be removed if deemed to be in conflict with safe travel.
7. All mobile food establishments shall comply with all Federal, State, and local regulations regarding vehicle size requirements.

(c) *Zoning restrictions.*

1. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.
2. No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.
3. No more than two mobile food establishments shall be allowed to conduct business on private property.
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 kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.
5. No mobile food establishment shall conduct business within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the city unless the licensee has obtained written permission from the event sponsor.
6. A mobile food establishment shall be located on a paved surface at all times unless it is part of a city sanctioned special event.

7. No person may conduct business on a sidewalk or curbside in any of the following places:
 - a. Within 20 feet of the intersection of the sidewalk with any other sidewalk.
 - b. Within ten feet of the extension of any building entrance or doorway to the curb line.
 - c. Within 150 feet of a public entrance of any business which is a licensed or permitted restaurant by the City of Sparta, during the hours the particular business is open for sale, unless written permission is granted by the business.
 - d. Within 150 feet of a city park where food concessions are sold, during the hours that concessions are being sold, unless written permission is granted by the parks department.
 8. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district. The subsection shall not apply to ice-cream trucks.
- (d) *Exemptions.*
1. Upon application and approval from the Public Safety Committee, the licensee may periodically and infrequently extend the hours of service of the mobile food establishment outside the designated zone displayed in exhibit A from 6:00 a.m. to 3:00 a.m. for business purposes only. This exemption shall not be applicable in any residential zoning district.
 2. Upon application and approval from the Public Safety Committee, the owner of private property may allow more than two mobile food establishments to conduct business on said property during the normal hours of operation.
 3. For event purposes, a mobile food establishment may conduct business on publicly owned property after the approval from the Parks Department and the Community Development Department or participates in a city sanctioned special event.
- (8) *Penalties.* A licensee or vendor who violates any provision of this subchapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1.00 nor more than \$500.00 for each offense.