

Regulations

Mobile Food Establishments may operate from any space on private property where permitted by the property owner and which does not otherwise create a traffic hazard provided the zoning regulations applicable to the property do not limit the property to residential and related incidental or accessory uses. No mobile food establishment shall operate on a public street or any City property unless operating as part of a Special Event permitted under section 7.17 pursuant to a contract with the special event permittee and if on a public street, only if the area of the public street is closed for the special event. Notwithstanding the foregoing, a mobile desserts establishment may operate on the public streets within any City zoning district provided it is parked only while serving customers present or approaching for service or while it is not open for service.

Who Needs a Mobile Food Permit?

Any person preparing and selling food at any location other than their place of business will need a permit.

Do I need a Direct Seller's Permit or a Mobile Food Establishment License?

If you are preparing food for sale, you would need a mobile food establishment license. If you are selling pre-packaged desserts (you did not prepare it), you will need a direct seller's permit.

Can I sell my goods/services in the city without a permit?

Yes. Any person authorized to do so may sell goods and merchandise at the Terrace Avenue Market Arcade located at 7734 Terrace Avenue. To reserve a space please call 608-836-7100. There is no fee for use of the Market Arcade on Sunday or Wednesday. There is a \$200 fee to use it Monday, Tuesday, Thursday, Friday, and Saturday.

Middleton City Clerk's Office

608-821-8350

7426 Hubbard Avenue
Middleton, WI 53562

Hours:
7:45 a.m. – 4:30 p.m.

www.cityofmiddleton.wi.us

Mobile Food Establishments in the City of Middleton



Revised 6/21/22

Permit Required

Per Middleton City Ordinance 7.01, No person shall operate a mobile food/dessert establishment in the City of Middleton without obtaining a permit.

Exemptions: The following mobile food establishments are exempt from requiring a permit but must still comply with all of the regulations set forth in 7.01(3):

- a. Authorized, in accordance with procedures established by the City of Middleton to operate at the Terrace Avenue Pavilion
- b. Operated by tax-exempt, non-profit service organizations for fundraising purposes;
- c. Operated by the City of Middleton.
- d. Mobile dessert establishments provided they are granted a direct seller's permit under Section 7.05. (pre-packaged frozen dessert i.e. ice cream)
- e. Not required under Wis. Code. ATCP 75.03(9)

Definitions:

“Mobile food establishment” means a restaurant or retail food establishment as defined in SS 97.30(1)(c) where food is sold to the general public from a movable vehicle, push cart, trailer, or boat which periodically or continuously changes location including movable concession stands and similar temporary stations not operating from a permanent building licensed as a restaurant including those designed to operate as temporary food establishments or traveling retail food establishments as those terms are used in Wis. Admin. Code Chap. DHS 196 “Appendix” (the “Wisconsin Food Code”).

Mobile food establishment does not include a vehicle which is used solely to transport or deliver food, a common carrier regulated by the state or federal government, or an establishment under hire, contract or special request to provide food service to a private group, organization or business and is not serving to members of the general public provided the establishment is in full compliance with all state and county food and health code requirements.

“Mobile desserts establishment” means a mobile food establishment that serves individual portions of ice cream, ice milk, frozen custard, frozen yogurt, dessert mix, sundaes, or other frozen desserts that are prepackaged and totally enclosed in a wrapper or container having been manufactured, prepared or wrapped in a licensed food establishment.

Application

Applications shall be filed with the City Clerk. Applications can be downloaded from the City website. Copies of the following documents must be filed with the application:

1. Applicant's valid food and beverage licenses issued by the State of Wisconsin or agent of health department
2. Driver's license or other proof of identity
3. Approx. 2"x2" photograph showing the head and shoulders of applicant

Operators

Each person who will be operating the unit without the presence of the applicant will need to obtain a license.

Applications shall be filed with the City Clerk. Applications can be downloaded from the City website. Copies of the following documents must be filed with the application:

1. Driver's license or other proof of identity
2. Approx. 2"x2" photograph showing the head and shoulders of applicant

Fees and Effective Dates

Annual Mobile Establishment Fee:
\$100 per year

Operator Permit Fee:
\$20 each operator per year

Single Event Mobile Establishment Fee:
\$50 per event, effective for 48-hours.

