# VILLAGE OF MENOMONEE FALLS
## NOTICE OF PUBLIC MEETING

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## GENERAL GOVERNMENT COMMITTEE
## Menomonee Falls Village Hall, Room 2245
## W156N8480 Pilgrim Road, Menomonee Falls, WI
## Monday, November 17, 2025 6:15pm

***Note: Committee Chairpersons are asked to enter the date in which each item is to go before the Village Board (V.B.) when applicable.***

1. Consideration of an Ordinance repealing and recreating Chapter 70 of the Municipal Code of the Village of Menomonee Falls relating to Solicitors and Mobile Food Vendors.

V.B. Action 11/17/2025 V.B. Report _____ Hold in Committee ☐

2. Adjournment

*THIS AGENDA IS SUBJECT TO REVISION*

*Members of other Village committees, boards, commissions and authorities may attend and participate at this meeting, but will not take official action unless the notice so provides.*

*No qualified individual with a disability shall, by reason of that disability, be excluded from participation in or be denied benefits of the services, programs, or activities of the Village of Menomonee Falls, or be subject to discrimination by the Village. If you are disabled and require special accommodation, please advise the Village Clerk's Office at (262) 532-4200 no later than 5 days before the scheduled meeting or activity.*

**General Government Committee** **1.**

| | |
|---|---|
| **Meeting Date:** | 11/17/2025 |
| **Topic:** | An Ordinance Repealing and Recreating Chapter 70 of the Municipal Code of the Village of Menomonee Falls Relating to Solisitors and Mobile Food Vendors |
| **From:** | Amy Dishinger, Village Clerk |
| **Department:** | Clerk Services |
| **Date of Committee Action (if required):** | 11/17/2025 |
| **Date of Village Board Action (if required):** | 11/17/2025 |

## Information

**Subject:**

Consideration of an Ordinance repealing and recreating Chapter 70 of the Municipal Code of the Village of Menomonee Falls relating to Solicitors and Mobile Food Vendors.

**Background Information:**

- The Waukesha County Health Department will no longer do inspections at the request of the Village nor will they inspect food trucks whose permanent location is outside Waukesha County boundaries.
- Village Fire Department will now inspect these facilities for safety purposes otherwise imposed on food establishments.
- Requiring all food trucks to get a license will allow better regulation and ensure that food trucks comply with health regulations set by the state.
- Village Police Department no longer wants to continue fingerprinting solicitors, as they are only kept in a paper file and not run through a database.
- At the request of the Village Police Department, all door-to-door sales will be required to obtain a Solicitors permit.
- Code language has been updated to reflect cohesion across all licenses.

**Key Issues for Consideration:**

**Action By Committee or Village Board:**

An Ordinance repealing and recreating Chapter 70 of the Municipal Code of the Village of Menomonee Falls relating to Solicitors and Mobile Food Vendors.

## Attachments

Chapter 70

# Chapter 70 SOLICITORS AND MOBILE FOOD VENDORS

## *ARTICLE I. IN GENERAL*

**Secs. 70-1—70-20. Reserved.**

## *ARTICLE II. SOLICITORS*

### *DIVISION 1. GENERALLY*

### Sec. 70-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Civic organization* means any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation, or one purporting to be such. This includes, but is not limited to, youth organizations such as the Boy Scouts, Girl Scouts, high school clubs, and other community-based educational or service groups.

*Merchandise* means personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

*Solicitor* means any individual who sells goods, takes sales orders for later delivery, or provides services at any location other than the permanent business place or residence of the person/organization, including door to door sales.

*Traveling sales crew* means two or more individuals who are employed as salespersons or in related support work, who travel together in a group, and who are absent from their permanent place of residence for the purpose of selling consumer goods or services to consumers from house to house, on any street, or in any other place that is open to the public. "Traveling sales crew" does not include two or more individuals who are traveling together for the purpose of participating in a trade show or convention or two or more immediate family members who are traveling together for the purpose of selling consumer goods or services.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

### Sec. 70-22. Exemptions.

The following shall be exempt from all provisions of this article:

(1) Any person delivering merchandise to regular customers on established routes.

(2) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by such person.

(3) Any person who has had or represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(4) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(5) Any employee, officer, or agent of a civic organization who engages in direct sales for or on behalf of the organization. To qualify for this exemption, a representative of the civic organization must first obtain a civic exemption badge from the Village Clerk's office, and each member of the civic organization shall carry the badge while going door-to-door.

(6) Any individual licensed by an examining board as defined in Wis. Stats. § 15.01(7).

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-23. Records.

The chief of police or their designee shall report to the village clerk all convictions for violation of this article, and the village clerk shall note any such violation on the record of the applicant convicted.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-24. Regulation of solicitors.

*Prohibited practices.* No solicitor shall:

(1) Call at any dwelling or other place on Sunday, or on any other day outside the hours of 9:00 a.m. to 8:00 p.m., except by appointment.

(2) Call at any dwelling or other place where a sign is displayed bearing the words "no peddlers," "no solicitors," or words of similar meaning.

(3) Call at any part of any dwelling place except the front door of that dwelling.

(4) Remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(5) Fail to display on their person an identification badge issued by the village clerk.

(6) Misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of the visit, the individual's identity, or the identity of the organization represented.

(7) Impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(8) Make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

(9) No solicitor shall allow rubbish or litter to accumulate in or around the area in which they are conducting business.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-25. Disclosure requirements.

(a) After the initial greeting and before making any other statement to a prospective customer, a solicitor shall expressly disclose their name, the name of the company or organization with which they are affiliated, if any, and the merchandise or services offered for sale.

(b) If any sale of merchandise is made by a solicitor, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than $25.00, in accordance with the procedure set forth in Wis. Stats. § 423.203; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. § 423.203.

(c) If a solicitor takes a sales order for the later delivery of merchandise, the solicitor shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial, or none; the name, address, and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms of that guarantee or warranty.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Secs. 70-26—70-40. Reserved.

# *DIVISION 2. LICENSURE*

## Sec. 70-41. Required.

It shall be unlawful for any person to engage in sales or any other activity as a solicitor or as an agent, representative or employee of a solicitor within the village unless that person is 18 years of age or older and has been licensed for that purpose as provided in this division.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-42. Application and issuance.

(a) Applicants for licensure must complete and return to the village clerk a form furnished by the clerk with the following information:

(1) Name, permanent address and telephone number, and temporary address, if any;

(2) Date of birth, height, weight, color of hair and eyes;

(3) Name, address and telephone number of the person, firm, association or corporation that the solicitor represents or is employed by, or whose merchandise is being sold;

(4) Temporary address and telephone number from which business will be conducted, if any;

(5) Nature of business to be conducted and a brief description of the merchandise, and any services offered;

(6) Proposed methods of delivery of merchandise and/or services, if applicable;

(7) The source of supply of the goods or property proposed to be sold, or orders taken thereof, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(8) Make, model and license number of any vehicle to be used by applicant in the conduct of business;

(9) Most recent cities, villages, towns, not to exceed three, where the applicant conducted business prior to the date of application;

(10) The length of time for which the right to do business is desired;

(11) Statement as to whether applicant has been convicted of any crime or ordinance violation within the last five years, and the nature of the offense, the place of conviction and the punishment or penalty assessed for each conviction.

(b) Applicants shall present to the village clerk for examination:

(1) A driver's license or some other proof of identity and age as may be reasonably required;

(2) A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities;

(3) A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the license application is made;

(4) A copy of the Wisconsin Department of Revenue Seller's Permit issued to the applicant, or satisfactory evidence that the applicant is not required to hold such a permit, must be provided. If the applicant claims an exemption, the employer must submit documentation supporting that exemption to the Village Clerk before they or their employees seek licensure.

(5) If the applicant belongs to a traveling sales crew, a copy of their employer's certificate of registration issued through the department of workforce development, as well as their own work permit and identification card, as required by Wis. Stats. § 103.34. Unless exempt, employers of traveling sales crews must obtain a certificate of registration before their employees seek licensure in the village.

(c) At the time of the filing of the completed license application, the applicant shall pay to the village clerk a fee as determined in section 42-70.

(d) Upon completion of the investigation set out in section 70-43 below, the village clerk shall license the applicant as a solicitor, date the entry, and issue a badge identifying and containing a picture of the applicant. Subject to subsequent refusal as provided in subsection 70-43(b) below, the license shall be valid until December 31st of the year issued.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-43. Investigation.

(a) Upon receipt of each application, the village clerk shall refer it to the police department for an investigation of the statements provided in the application.

(b) The village clerk shall refuse to license the applicant if it is determined, pursuant to the investigation referred to in subsection (a) of this section, that: the applicant is under 18 years of age; the application contains any material omission or materially inaccurate statement; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years relating to theft, burglary, possession of stolen property, other crimes related to property or any offenses related to crimes against life and bodily security, public health and safety, sexual morality, children, or disturbing the public peace; or the applicant failed to comply with any applicable provision of subsection 70-42(b) or Wis. Stats. § 111.335(3)(a)1.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-44. Appeal.

Whenever an applicant for a license under this chapter is denied such license, the applicant may file a written appeal of the decision with the Village Clerk within ten (10) days of notice of denial. Upon receipt of a timely appeal, the Village Clerk shall place the appeal on the agenda of the General Government Committee meeting for review and recommendation to the Village Board of Trustees. (Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Sec. 70-45. Revocation.

(a) A license may be revoked by the village board after notice and hearing, if the applicant made any material omission or materially inaccurate statements in the application for licensure; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in solicitation; violated any provision of this article; or was convicted of any crime or ordinance or statutory violation relating to theft, burglary, possession of stolen property, other crimes related to property or any offenses related to crimes against life and bodily security, public health and safety, sexual morality, children, or disturbing the public peace.

(b) Written notice of the hearing shall be sent to the applicant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(Ord. No. 913-O-24, § 1(Exh. A), 8-19-24)

## Secs. 70-46—70-65. Reserved.

# *ARTICLE III. MOBILE FOOD VENDORS*[1]

[1]Editor's note(s)—Ord. No. 795-O-20, § 1, adopted July 20, 2020, repealed art. III, §§ 70-66 and 70-81—70-86, and enacted a new art. III, §§ 70-66 and 70-81—70-86. Former art. III pertained to similar subject matter and derived from the 1963 Code; Ord. No. 317-O-05, adopted August 15, 2005; Ord. No. 330-O-06, adopted February 6, 2006; Ord. No. 339-O-06, adopted June 13, 2006; Ord. No. 540-O-12, adopted July 2, 2012; and Ord. No. 772-O-19, adopted September 16, 2019.

# *DIVISION 1. GENERALLY*

## Sec. 70-66. General.

(a) *Definitions.*

(1) *Mobile food vendor.* A food establishment where ready-to-eat food is cooked, wrapped, packaged, processed, served or sold from a vehicle, car, truck, trailer, cart, or similar portable device which is capable of periodically changing locations.

(b) *Location restrictions.*

(1) Licensed mobile food vendors may operate on private nonresidential property, with the written permission of the private property owner.

(2) Licensed mobile food vendors shall not operate upon or in the public road right-of-way or public grounds except under the following circumstances:

a. A licensed mobile food vendor that is participating in an event at the request of the event operator with an approved special event permit. The special event permit shall specify the location, hours of operation, and any other restrictions it deems appropriate for the specific activity or event.

b. A licensed mobile food vendor that is requested as part of a park shelter reservation permit. The parking location for the mobile food vendor shall be designated by village staff.

(c) *General operation restrictions.*

(1) Hours of operation for a licensed mobile food vendor shall be:

a. Between 6:00 a.m. to 11:00 p.m. if operating on private nonresidential property.

b. Between the times designated on the park permit shelter application if operating under a park shelter reservation permit.

c. Between the times approved for a special event permit if operating under a special event permit.

(2) No power required for the mobile food vendor shall be drawn from the public right-of-way. No power cable or equipment shall be extended over any village street, alley or sidewalk unless specifically approved under a special event permit.

(3) No mobile food vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers of any kind, while stationary.

(4) Mobile food vendors are responsible for providing trash/refuse receptacles on site and for removing such receptacles at the conclusion of sales. Trash or refuse from the mobile vendor or mobile food vendor's receptacles shall not be placed in any public or private trash receptacles, including dumpsters, without the trash receptacles' owner's consent.

(5) Mobile food vendors shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing, and/or unnecessary noise of any character, intensity or duration considered to be detrimental or disturbing to the public peace or welfare.

(6) Seating associated with the mobile food vendor may be permitted as part of an approved special event permit.

(7) Packaged food products must be clearly labeled with the product name, a full list of ingredients in descending order by weight, any major allergens as defined by law, and date-marking that includes the packaging date and, if applicable, the expiration or best-by date. Labels must be legible, in English, and affixed prominently to the packaging.

(Ord. No. 795-O-20, § 1, 7-20-20)

## Secs. 70-67—70-80. Reserved.

# *DIVISION 2. LICENSURE*

## Sec. 70-81. Required.

(a) *Required.* Except as provided in subsection (b) of this section, no person shall engage in the sale or distribution of any food product from any mobile food vendor, directly to the consumer, without first receiving from the village clerk a license as provided in this article.

(b) *Exemptions*. Any person selling agricultural products they have grown in this state and they themselves sell from a vegetable stand or a farmer's market shall be exempt from the licensing provisions of this division.

(Ord. No. 795-O-20, § 1, 7-20-20)

## Sec. 70-82. Application and issuance.

(a) Applicants for licensure must complete and return to the village clerk a form furnished by the clerk with the following information:

(1) Name, permanent address, email, telephone number, date of birth and temporary address, if any, of designated agent;

(2) Name, address and telephone number of the person, firm, association or corporation that the agent represents or is employed by;

(3) Make, model and license number of vehicles to be used by applicant in the conduct of their business;

(4) Most recent cities, villages, towns, not to exceed three, where applicant conducted their business prior to the date of application;

(5) Statement as to whether applicant has been convicted of any crime or ordinance violation within the last five years, and the nature of the offense, the place of conviction and the punishment or penalty assessed for each conviction.

(b) Applicants shall present to the village clerk for examination:

(1) A driver’s license or some other proof of identity and age as may be reasonably required;

(2) Proof that the applicant holds all required state and county permits;

(3) A copy of the Wisconsin Department of Revenue’s Seller’s Permit issued to the applicant or satisfactory evidence that the applicant is exempt from holding such permit. If declared exempt by the department

of revenue, the employer must provide proof of the exemption to the village clerk before they or their employees seek licensure.

(c) At the time of the filing of the completed license application, the applicant shall pay to the village clerk a fee as determined in section 42-70.

(d) No license may be issued under this article until the applicant has passed an inspection by the Fire Department to ensure compliance with the fire prevention measures set forth in Chapter 46 of the Municipal Code.

(e) *Issuance.*

(1) Except as provided in subsection 70-82(e)(2) below, upon completion of the investigation set out in subsection 70-83(a) above, the clerk shall issue the license provided under this article. This license shall be valid until December 31 of the year issued.

(2) The clerk shall refuse to issue a license to the applicant if it is determined, pursuant to the investigation referred to in subsection (b) above that:

a. The applicant is under 18 years of age;

b. The application contains any material omission or materially inaccurate statement;

c. More than three complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, in which the applicant conducted similar business;

d. The applicant was convicted of a crime, statutory violation or ordinance violation, the nature of which is reasonably related to the applicant's fitness to engage in the regulated activity;

e. The applicant has not obtained the necessary approvals of the state and county health departments; or

f. The applicant failed to comply with any applicable provision of subsection 70-82.

## Sec. 70-83. Investigation.

(a) Upon receipt of each application, the village clerk shall refer it to the police department for an investigation of the statements provided in the application.

(b) The village clerk shall refuse to license the applicant if it is determined, pursuant to the investigation referred to in subsection (a) of this section, that: the applicant is under 18 years of age; the application contains any material omission or materially inaccurate statement; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years relating to theft, burglary, possession of stolen property, other crimes related to property or any offenses related to crimes against life and bodily security, public health and safety, sexual morality, children, or disturbing the public peace; or the applicant failed to comply with any applicable provision of subsection 70-42(b) or Wis. Stats. § 111.335(3)(a)1.

(Ord. No. 795-O-20, § 1, 7-20-20)

## Sec. 70-84. Appeal.

Whenever an applicant for a license under this chapter is denied such license, the applicant may file a written appeal of the decision with the Village Clerk within ten (10) days of notice of denial. Upon receipt of a timely

appeal, the Village Clerk shall place the appeal on the agenda of the General Government Committee meeting for review and recommendation to the Village Board of Trustees.

## Sec. 70-85. Posting.

The license shall be posted in a conspicuous place within the vehicle.

(Ord. No. 795-O-20, § 1, 7-20-20)

## Sec. 70-86. License Non-Transferability

Licenses shall not be transferable.

(Ord. No. 795-O-20, § 1, 7-20-20)

## Sec. 70-87. Revocation.

All licenses issued under this article shall be subject to summary revocation by the village manager, village clerk, or either of their designees at any time that the holder of such license shall be convicted of any of the provisions of this division or of state laws governing the sale and handling of foodstuffs or when there shall be cause to believe that the licensee has a communicable disease.

(Ord. No. 795-O-20, § 1, 7-20-20)

**Village of Menomonee Falls Ordinance #___-O-25**

# AN ORDINANCE REPEALING AND RECREATING CHAPTER 70 OF THE MUNICIPAL CODE OF THE VILLAGE OF MENOMONEE FALLS RELATING TO SOLICITORS AND MOBILE FOOD VENDORS

**WHEREAS,** the Village Clerk has suggested several changes to better conform with best practices and procedures currently used by the Village Clerk's Office; and,

**WHEREAS,** Exhibit A shows the recreated Chapter 70; and,

**WHEREAS,** it is therefore deemed to be in the best interests of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls be repealed and recreated in the manner hereinafter set forth; and,

**NOW, THEREFORE,** the Board of Trustees of the Village of Menomonee Falls do hereby ordain as follows:

**Section 1.** Chapter 70 [Peddlers, Solicitors and Transient Merchants] of the Municipal Code is hereby repealed and recreated to read as shown in Exhibit A.

**Section 2.** Section 66-51 [Activities for which a permit is required] of the Municipal Code is amended to add subsection (l) as follows:

> (l) *Mobile food vendors.* A mobile food vendor, as defined in section 70-82 of this Code, may operate within a village park only in conjunction with a valid park reservation. Operation shall be limited to designated locations as determined in advance by the village. The vendor must first obtain and maintain a valid mobile food vendor license under section 70-82, and must comply with all applicable health, safety, and licensing regulations. Operation shall be limited to the time and area specified in the reservation permit.

**Section 3.** Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

**Section 4.** This ordinance shall take effect and be in full force on January 1, 2026, following its passage and publication.

**Section 5. SEVERABILITY**. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the

_____ day of _____, 2025.

By: _____
Jeremy Walz, Village President

Attest: _____
Amy Dishinger, Village Clerk