



Mobile Vending Site Plan Review

City of Oshkosh, Wisconsin

Introduction

No Mobile Vending Unit shall operate within the City of Oshkosh without a Mobile Vending License first being approved by the Site Plan Review Committee. The City's Mobile Vending License is in addition to all other local, State, or Federal approvals, permits, or licenses necessary to engage in this activity (e.g. State of Wisconsin Seller's Permit, Winnebago County Health Licensing, etc.).

The Mobile Vending Site Plan Review is an administrative process that is typically held within 7-12 working days after the completed plans and application are received. A pre-submittal meeting is required prior to filing a site plan for acceptance. It is recommended to schedule this meeting with the Development Review Coordinator (920-236-5059) several days before the submittal deadline for the upcoming site plan review committee meeting. The Development Review Coordinator will serve as the central point of contact between the various City Departments involved in the review process and the developer.

The Site Plan Review Committee meets twice a month on the second and fourth Wednesdays and plans submitted by the noon deadline (see schedule) will be reviewed within 7-12 working days after the completed plans are received. The Site Plan Review Committee includes City staff representatives of Community Development, Engineering, Transportation, Police, Fire Departments, and other departments as needed depending on the project. While it is not required, the applicant/owner is encouraged to attend the Committee meeting to answer questions and discuss the project.

Please consult the Mobile Vending Site Plan Review Application (attached) for a complete list of plan requirements.

Mobile Vending Site Plan Review Process/Procedure

1. The applicant is **required** to meet with the Development Review Coordinator prior to submitting an application to review the application requirements. Appointment is required (920-236-5059).
2. After the pre-submittal meeting applicant may submit plans.
3. The applicant shall submit the completed form and required submittals to the Development Review Coordinator. Applications may be denied or put on hold if all required plans and completed checklists are not submitted.
4. The review fee shall be provided at the time of submittal.
5. Review/License fee = \$100.00.
6. Upon submittal of all required information, project will be scheduled before the Site Plan Review Committee. Site plan applications submitted by the noon deadline will be reviewed within 7-12 working days. See schedule for meeting dates and submission deadlines.
7. Site Plan Review Committee will meet to review project, approve, approve conditionally, hold, or deny the submission. The applicant/owner is encouraged to attend the meeting to discuss project details and answer questions.
8. Applicant and/or owner will be informed in writing of the recommendation of the Site Plan Review Committee. The Development Review Coordinator will also contact the applicant to provide the status of the review within 1-2 working days after the meeting.

Application Form

The information listed on the Mobile Vending License/Plan Review Application shall be provided by the vending operator(s) and is necessary for the Site Plan Review Committee to perform a complete evaluation of the proposed activities. It is the City's goal that by providing the following detailed information that review time, and conditions, will be kept to a minimum and will prevent delays caused by submission of incomplete plans. Please complete the application carefully and provide the required information.

Application forms are available from the Department of Community Development and need to be completed prior to submitting a request for Mobile Vending Site Plan Review. All sections of the application must be completed. Incomplete submissions will not be reviewed by the Committee. If there are questions as to the applicability of required information, please contact the Development Review Coordinator (920-236-5059).

When the application, Site Plan set, documentation and other required information have been prepared, please schedule an appointment with the Development Review Coordinator for plan acceptance. Plans will not be accepted for processing until staff has completed an initial review for completeness. An incomplete application or a Site Plan set lacking complete information will not be accepted or reviewed.

A complete application includes:

- ✓ Completed Mobile Vending/Plan Review Application
- ✓ \$100.00 Filing fee – check made payable to “City of Oshkosh”
- ✓ Sample site plan (to scale)
- ✓ Photos of Mobile Vending Unit
- ✓ Mobile Vending Unit Cut/Specification sheets (if necessary)
- ✓ Proof of Liability and Property Insurance

Submit **7 copies** of the completed application and other pertinent information to:

**Department of Community Development
215 Church Avenue, Room 204,
Oshkosh, WI 54901**

Please call the Development Review Coordinator at (920) 236-5059 to schedule an appointment for a Pre-Submittal Review meeting.

Mobile Vending License/Plan Review Application City of Oshkosh, Wisconsin

- **Name of the Vending Operation:**
- **Applicant(s) Name (print). If the applicant is a legal organization provide the name of the person(s) authorized to act for the entity and the daily vending manager/operator:**

- **Additional names of any employees:**

- **Has the applicant(s), principal of applicant, or manager of the applicant's mobile vending unit ever been convicted within the previous 5 years of any felony, or misdemeanor that is substantially related to a Mobile Vending Operation? If yes, please specify.**

- **Is the applicant(s), principal of applicant, or manager at least 18 years of age?**
- **Applicant(s)/organization Mailing Address:**
- **Applicant(s) Telephone Number:**
- **Applicant(s) Email:**
- **Provide a detailed description of the Mobile Vending Operation including the type of vending (e.g. food or merchandise):**
- **Provide a detailed description of Mobile Vending Unit (cut sheets and specifications may be required):**
- **Provide a sample site plan (to scale) showing the dimensions the Mobile Vending Unit will occupy, including access to and around the Mobile Vending Unit.**
- **Provide a list of proposed locations where the Mobile Vending Unit will be operating.**
- **Provide copies of other necessary permits or licenses from other governmental agencies including, without limitation, a health license (mobile restaurant/mobile base, etc.) and a Wisconsin Seller's permit.**
- **Provide proof of liability and property insurance. A Mobile Vending License will not be issued until proof is provided showing the City of Oshkosh is named as an additional insured on the Mobile Vendor's policy.**

Site Plan Review Committee City of Oshkosh

Department	Contact Person	Areas of Review
Planning Services Division	Todd Muehrer Development Review Coordinator tmuehrer@ci.oshkosh.wi.us 920-236-5059	Zoning & performance standards
Inspection Services Division Building & HVAC	John Zarate Chief Building Official jzarate@ci.oshkosh.wi.us 920-236-5119	Building code & permitting
Inspection Services Division Plumbing	Jerry Fabisch Building System Inspector jfabisch@ci.oshkosh.wi.us 920-236-5052	Plumbing code & permitting
Public Works/Engineering	Steve Gohde Assistant Director of Public Works sgohde@ci.oshkosh.wi.us 920-236-5065	Sanitary sewer, water, storm sewer, drainage requirements; any work in the right-of-way
Public Works/Storm Water	John Ferris Civil Engineering Supervisor jferris@ci.oshkosh.wi.us 920-236-5065	Grading and drainage plans, stormwater review
Fire Department	Brian Bending Battalion Chief bbending@ci.oshkosh.wi.us 920-236-5241	Fire safety and protection
Police Department	Officer Joe Nichols CPTED Crime Prevention jnichols@ci.oshkosh.wi.us 920-236-5742	Public safety
Transportation Department	Jim Collins Transportation Director jcollins@ci.oshkosh.wi.us 920-232-5342	Access control, driveways, street lights, parking lot design, transit
Parks Department	Raymond Maurer Parks Director RMaurer@ci.oshkosh.wi.us 920-236-5080	Parks & trails
Forestry Division	Bill Sturm Landscape Operations Manager/City Forester bsturm@ci.oshkosh.wi.us 920-232-5314	Street trees
Winnebago County Health Department	Anne Boyce Environmental Health Supervisor ABoyce@co.winnebago.wi.us 920-232-3011	Licensing and Inspection of food establishments; animal establishments; lodging facilities; recreational water facilities; mobile home parks; campgrounds; and tattoo parlors
Wisconsin Public Service	Jeff Henkelmann Account Executive JPHenkelmann@wisconsinpublicservice.com 920-433-1277	Private utility issues
City Attorney	Lynn Lorensen City Attorney LLorensen@ci.oshkosh.wi.us 920-236-5115	Developer & encroachment agreements

**CITY OF OSHKOSH
INSURANCE REQUIREMENTS**

IX. MOBILE VENDING INSURANCE REQUIREMENTS

This insurance is required of mobile vendors by the City of Oshkosh. The vendor's insurance shall be primary coverage for the City of Oshkosh for applicable events related to this vending function. Insurance, or self-insurance, maintained by the City of Oshkosh, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss related to an incident related to the mobile vendor. All insurance shall be in full force before operation of the mobile vending unit is allowed, and shall remain in force for the whole term in which the mobile vendor is operating the mobile vending unit.

1. GENERAL LIABILITY COVERAGE

- A. Commercial General Liability
 - (1) \$1,000,000 each occurrence limit for Bodily Injury and property Damage
 - (2) \$1,000,000 personal liability and advertising injury
 - (3) \$1,000,000 general aggregate
 - (4) \$1,000,000 products – completed operations aggregate
- B. Claims made form of coverage is not acceptable.
- C. Insurance must include:
 - (1) Premises and Operations Liability
 - (2) Contractual Liability
 - (3) Personal Injury
 - (4) Products/Completed Operations
 - (5) The general aggregate must apply separately to this project/location

2. BUSINESS AUTOMOBILE COVERAGE – If this exposure shall exist:

- A. \$250,000 each person / \$500,000 each accident for bodily injury and \$100,000 for property damage **OR** \$500,000 combined single limit for bodily injury and property damage each accident.
- B. Must cover liability for “any auto” – including owned, non-owned and hired automobile liability.

3. WORKERS COMPENSATION AND EMPLOYERS LIABILITY – If required by Wisconsin State Statutes, the event organizer:

- A. Must carry coverage for statutory workers compensation and employers liability limit of:
 - (1) \$100,000 Each Accident
 - (2) \$500,000 Disease Policy Limit
 - (3) \$100,000 Disease – Each Employee

4. ADDITIONAL PROVISIONS

- A. Acceptability of Insurers - Insurance must be provided by an insurance carrier with an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
- B. Additional Insured Requirements – For general liability coverage and business automobile liability coverage, the following must be listed as additional insureds: **City of Oshkosh, and its officers, council members, agents, employees, and authorized volunteers.**
- C. Certificates of Insurance acceptable to the City of Oshkosh shall be submitted 15 days prior to operation of the mobile vending unit. These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days' prior written notice has been given to the City Clerk – City of Oshkosh.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	<i>Insurance Agency contact information, including street address and PO Box if applicable.</i>	CONTACT NAME:	<i>Insurance Agent's contact information.</i>	FAX (A/C. No.):	
		PHONE (A/C. No. Ext):			
INSURED	<i>Insured's contact information, including name, address and phone number.</i>	E-MAIL ADDRESS:	INSURER(S) AFFORDING COVERAGE		
			INSURER A: ABC Insurance Company	NAIC #	
			INSURER B: XYZ Insurance Company	NAIC #	
			INSURER C: LMN Insurance Company	NAIC #	
			INSURER D:	<i>Insurer(s) must have a minimum A.M. Best rating of A- and a Financial Performance Rating of VI or better.</i>	
			INSURER E:		
		INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>General Liability Policy Number</i>	<i>Policy effective and expiration date.</i>		EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input type="checkbox"/>					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$
	<input type="checkbox"/>						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 1,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COM/PROP AGG \$ 1,000,000
							\$
B	AUTOMOBILE LIABILITY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Auto Liability Policy Number</i>	<i>Policy effective and expiration date.</i>		COMBINED SINGLE LIMIT (Ea accident) \$ 500,000
	<input checked="" type="checkbox"/> ANY AUTO	<input type="checkbox"/>					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
							\$
							\$
C	UMBRELLA LIAB <input type="checkbox"/> OCCUR	<input type="checkbox"/>	<input type="checkbox"/>	<i>Workers Compensation Policy Number</i>	<i>Policy effective and expiration date.</i>		EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/>	<input type="checkbox"/>				<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? Y/N						E.L. EACH ACCIDENT \$ 100,000
	(Mandatory in NH) N						E.L. DISEASE - EA EMPLOYEE \$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insureds on the Commercial General Liability and Automobile Liability, shall be City of Oshkosh, and its officers, council members, agents, employees and authorized volunteers.

CERTIFICATE HOLDER

City of Oshkosh, Attn: City Clerk
215 Church Avenue
PO Box 1130
Oshkosh, WI 54903-1130

Insurance Standard IX
Mobile Vending
SAMPLE CERTIFICATE

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE, THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

MOBILE VENDING ORDINANCE – SUMMARY

- Allows mobile vending of food and merchandise within the City of Oshkosh upon issuance of a permit.
- License allows them to vend in City, specific locations are on a daily first come, first reserved basis.
- Vending may occur generally in commercially and industrially zoned areas, and subject to limitations within residential areas.
- Vending may occur along a street in the hardscape terrace area as long as they are 5 feet from the buildings and 2 feet from the curb.
- Vending may occur on hard surface around Monument Square so long as an unobstructed 5 foot walkway is maintained and the mobile vendor is at least 2 feet from the curb or legally parked within a parking space.
- Street Licensed vending units may set up in on-street parking areas as long as parking restrictions are followed, (i.e. vehicle remains operational, time limits, 2 to 5 parking is observed, etc...)
- Mobile vending must be no closer than 37.5 feet to the doorway to a full service restaurant, a sidewalk café or another sidewalk vendor.
- Special Events have priority over normal vending locations.
- Vending is not allowed in City parking lots.
- Vendors may set up on private property. Vendors on private property may require a temporary use permit.
- Vending is not permitted in City Parks or on the City Riverwalk except through a vending contract with the City or as part of an approved Special Event.
- Vending is not allowed adjacent to main parks (generally, those with vending). Mobile vending is allowed adjacent to other city parks upon approval of the City Manager.
- In other residential areas (residential areas not adjacent to city parks), mobile vendors are not permitted to park and stay in one location. Mobile Vendors must keep moving and make only short stops to sell products.

- Vendors must maintain the appropriate distances from crosswalks, curb cuts, sidewalk benches, bike racks, bus shelters and stops, and other obstructions.
- Vendors are prohibited from connecting to light poles, utility poles, or any public source of electricity, water or sewer or to any planter or tree or other public amenity
- Mobile Vending hours are not restricted on private property locations.
- Mobile Vending hours on public property and public right-of-way are from 8 am to 2 am (Sunday through Thursday) and 2:30 am (Friday and Saturday). However, mobile vendors in on street parking spaces must obey the 2 to 5 parking rules, so must close or move to another location by 2 a.m. Mobile vending units must be closed, the area cleaned and the unit removed by the time specified.
- Vendors would need proof of insurance and add City as additional insured.
- Applications submitted to, and licenses granted by, Department of Community Development.
- All applicants would go through site plan review committee to give an opportunity to discuss their options for moving around the City.
- Appeal license denial or revocation to City Manager.