



FOOD DEALER LICENSE INFORMATION

Office of the City Clerk License Division
 200 E. Wells St. Room 105, Milwaukee, WI 53202
 (414) 286-2238 e-mail address: license@milwaukee.gov
 website: www.milwaukee.gov/license

WHO NEEDS A LICENSE?

A license is required of every person or business selling, storing, or offering for sale food in the City of Milwaukee.

See page 2 for Exemptions.

Food

Food is all articles used for food, drink or condiment including ice or water used for human consumption, whether simple, mixed, or compound and articles used or intended for use as ingredients in the composition or preparation thereof.

RESTAURANT

A restaurant is an establishment in which the majority of food sales consist of meals.

Meal

MEAL means any ready-to-eat food served or sold to the general public in individual or prepackaged single portions or servings for immediate on-premises consumption, or transported off-premises in individual prepackaged carryout servings for immediate consumption, or specifically preordered individual or multiple serving portions which are transported to an off-premises location for immediate consumption.

MEALS INCLUDE, but are not limited to, sandwiches, individual portions of cured and pickled food sold from bulk containers, hard boiled eggs, hot ready-to-eat soup, or raw or cooked processed foods sold or served in individual portions.

MEALS DO NOT INCLUDE soft drinks, ice cream, milk, milk drinks, coffee, tea, ices, confections, pastry items, or food items sold by the weight, count, or piece in individual packages which require further preparation for consumption at another location.

RETAIL ESTABLISHMENT

A retail establishment is a business in which the majority of food sales consist of beverages or basic food items requiring further preparation prior to consumption.

RETAIL ESTABLISHMENTS INCLUDE, but are not limited to, bakeries, grocery stores, coffee shops, liquor stores, pharmacies, and book stores.

BASIC FOOD ITEMS INCLUDE, but are not limited to, milk and dairy products, bread products, frozen entrees, refrigerated food and baby food.

Convenience Food Store

Food stores (including filling stations) that:

- Contain less than 5,000 sq. ft. of retail sales space AND/OR
- Have as their primary business the sale of basic food items, and in addition sell household products.

HOUSEHOLD PRODUCTS INCLUDE, but are not limited to, cleaning products, paper products, baby products and pet food.

Bed & Breakfast

Small lodging establishments that offer overnight accommodation and inclusive breakfast, but usually do not offer other meals.

Community Food Program

Meal site or food pantry where all food is provided free of cost to those in need, or to organizations serving persons in need.

Base for Food Peddler

A commercial kitchen being used as a base for storing and preparing food to be sold by a food peddler.

Base for Temporary/Seasonal Food Stand

A commercial kitchen being used as a base for storing and preparing food to be sold at a temporary event or seasonal market.

WHOLESALING

Wholesalers sell food to businesses, who then sell to consumers. See table below to determine license(s) required:

If...	And...	License(s) Needed
25% or more of sales is from wholesaling	Retail sales allowed	WI DATCP Processing Plant or Food Warehouse License Only
25% or more of sales is from wholesaling	Meals will be served	WI DATCP Processing Plant License AND City Restaurant License
Less than 25% of sales is from wholesaling	Retail sales and/or meals will be served	City Retail or Restaurant License Only

To obtain the Processing Plant or Food Warehouse License, contact the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP) at (608) 224-4923.

APPLY FOR THE LICENSE

You can file your new application between 8:15 a.m. and 12:00 p.m. or 1:30 p.m. and 4:00 p.m. Monday thru Friday at the License Division.

Submit a complete application, which includes the following:

ALL APPLICANTS:

- \$300 (nonrefundable) application fee. (The remaining license fee will be due after the Health Department inspection. An invoice will be mailed or emailed to you. A list of fees is on page 3.)
- Business License Application (ccl-busapp)
- Business License Plan of Operation (ccl-busplan)
- Food Dealer License Plan of Operation (ccl-foodplan)
- Copy of your menu or a list of food products that will be sold.
- Detailed Floor Plan (See sample and list of requirements)

APPLICANTS RENTING SPACE FROM ANOTHER OPERATOR

- Shared Kitchen Agreement (ccl-foodkitchen)

APPLICANTS WITH MULTIPLE SITES AT THE SAME LOCATION

- Food Dealer Additional Site Addendum (ccl-foodadd)

WHAT TO DO NEXT?

- Contact the Department of Neighborhood Services*
- Obtain a Wisconsin Seller's Permit*
- Register with Department of Financial Institutions*
**See the Business Information sheet for detailed instructions regarding these requirements.*
- Contact the District Alderperson:
You may wish to contact the district alderperson where your business will be located at (414) 286-2221 to discuss your plans.
- Schedule a Health Inspection:
At least 24 hours after filing your application, call the Health Department at (414) 286-3674 to get your inspector's name and phone number. Then call the inspector between 8:00 am and 9:30 am Monday thru Friday to schedule an inspection.

EXEMPT FROM FINGERPRINTING

Fingerprinting is not required for this license. However, a background check will be done by the Milwaukee Police Department.

NOTE: If you are applying for other licenses at this time, they may require fingerprinting.

LICENSE APPROVAL

If there are items on your police report or objections against the issuance of a license, you will be advised in writing of any additional requirements, and you may be required to appear before the License Committee.

ISSUANCE OF THE LICENSE

Typically, from the date of application, issuance of the license will be a minimum of 15 days. Before a license can be issued, the License Division must have all of the following:

- A complete application on file
- Payment of all license fees
- Police background report
- Alderperson approval
- Health Department approval
- Neighborhood Services approval
- A copy of Wisconsin Seller's Permit (See page 2 for exemptions)
- Proof of registration with the Department of Financial Institutions for Corporations and Limited Liability Companies

The license will expire 1 year from date of issuance.

ADDITIONAL LICENSES THAT MAY BE NEEDED

Variance for Specialized Processes, Practices or Conditions

If any of the following activities will take place, you must also submit the Application for a Variance or Health Department Approval for Specialized Processes, Practices or Conditions (ccl-foodvari).

- Acidification of food such as rice
- Bare hand contact to ready to eat foods
- Bathrooms not accessible to the public
- Convenience store safety requirements

- Curing
- Sprouting
- Dogs in outside dining areas
- Fermenting foods
- Non-continuous cooking
- Peddler base waiver
- No person in charge
- Reduced oxygen packaging
- Sale without consumer advisory
- Shellfish comingling
- Shellfish display tanks
- Smoking for preservation
- Wild game

Sidewalk Dining Facility License

If you will be allowing customers to consume food or beverages on a sidewalk café (in/on the public right of way), you must also submit a Sidewalk Dining Facility License application.

Extended Hours License

If you wish to be open for business between the hours of midnight and 5 am, you will also need to apply for an Extended Hours License.

Secondhand Dealer License

If you purchase, sell or exchange any secondhand articles of personal property (including used cell phones), you will also need to apply for a Secondhand Dealer License. "Secondhand" means previously owned by a member of the general public immediately prior to your transaction.

WISCONSIN SELLER'S PERMIT EXEMPTIONS

- Not required for businesses not making direct retail sales of tangible property or taxable services.
- Not required if 100% of the business's gross receipts come from the sale of food and food ingredients, except candy, soft drinks, dietary supplements, and prepared food.

EXEMPTIONS (LICENSE NOT NEEDED)

- A City of Milwaukee "base" license is not required for retail peddlers using a processing plant or food warehouse licensed by DATCP as their base.
- A person/business selling only:
 - Canned or bottled non-alcohol drinks that do not need refrigeration.
 - Raw agriculture – includes fresh uncut produce, cottage food products, honey, cider, sorghum, maple syrup.
 - Pickle Bill items - pickles or other processed vegetables or fruits with an equilibrium pH value of 4.6 or lower.
 - Prepackaged Non Hazardous Food – includes chips, candy, nuts, cookies that do not require temperature control.
 - Sample size (2 oz. or less) food portions
 - Home canned products that meet all of the criteria contained in s. 97.29(2), Wis Stats.
- This license is also not required of religious, fraternal, youth, civic or patriotic organizations, service clubs or religious assemblies that sell food only one day during the fiscal year, although they are required to complete an application and be inspected by the Health Department.

- Churches; religious, fraternal, youths’ or patriotic organizations, service clubs or civic organizations that occasionally (20 times or fewer per license year) prepare, serve or sell meals to transients or the general public. (they may need to be licensed and inspected as temporary events, however).
- Any public or private school lunchroom for which food service is directly provided by the school. (If food is provided through a private contractor, the contractor must be licensed).
- The serving of canned soda through a State licensed vending machine.
- Any college campus as defined in s. 36.05, Wis. Stats., institution as defined in s. 36.51(1)(b), Wis. Stats., or technical college that serves meals only to students enrolled in the college campus, institution or school or to authorized elderly persons under s. 36.51 or 38.36, Wis. Stats.
- A concession stand at a locally sponsored sporting event, such as a little league game. In this paragraph, “concession stand” means a food stand that serves meals and is operated exclusively for the benefit of a participating youth sports team or program or the governing of youth sports organization, and “locally sponsored sporting event” means a competitive game, taking place inside or outside, specifically for youth, that is organized or sponsored by one or more local business, governmental or other civic organization, or by parents of the youth, including a school-sponsored interscholastic sports competition.
- A restaurant, vending machine, vending machine commissary or other establishment for which a permit is issued under s. 254.64., Wis. Stats., to the extent their activities are covered by the permit.
- An establishment selling only vitamins or vitamin supplements regulated by the Food and Drug Administration (FDA). This does not include herbs or herbal teas.

ADDITIONAL REQUIREMENTS

Robbery Prevention/Deterrence Training

Section 68-4.3 of the Milwaukee Code of Ordinances states “Owners and employees of convenience food stores shall be required to complete a training course in robbery prevention approved of or provided by the police department within 120 days of ownership or employment.”

The Community Services Section offers several training courses on Convenience Store Robbery Prevention/Deterrence at the Safety Academy each year. <http://city.milwaukee.gov/cstore#.U9aDPjoo6Uk>

Food Manager Certification

Per City Ordinances and the Wisconsin Food Code, each licensed restaurant and food establishment that processes potentially hazardous food must have at least one manager or operator certified in food protection practices within 90 days after a business opens.

In the City of Milwaukee, the certificate holder must be on the premises when there are more than five food handlers working. In the City of Milwaukee, in order to renew a food protection practices certificate, the certificate holder must satisfactorily pass a Conference for Food Protection accredited examination. <http://city.milwaukee.gov/cfm#.U9aHMzoo6Uk>

LIST OF FEES

APPLICATION FEE		
\$300 (nonrefundable)		
RESTAURANT		
Prepackaged Food		\$250
Food Processing	\$20,000 or less gross sales	\$525
	\$20,001-\$200,000 gross sales	\$800
	\$200,001-\$2,000,000 gross sales	\$1250
	\$2,000,001 or more gross sales	\$1725
Additional Site		\$100
Service Base for a Restaurant Peddler		\$150
Bed and Breakfast (Application fee does not apply)		\$200
Community Food Program / Meal Service Site (Application fee does not apply)		\$35
RETAIL		
Food processing	\$20,000 or less gross sales	\$350
	\$20,001-\$200,000 gross sales	\$575
	\$200,001-\$2,000,000 gross sales	\$1325
	\$2,000,001 or more gross sales	\$2050
No Processing	\$20,000 or less gross sales	\$200
	\$20,001-\$200,000 gross sales	\$300
	\$200,001-\$2,000,000 gross sales	\$575
	\$2,000,001 or more gross sales	\$875
Service Base for a Retail Peddler		\$150
Community Food Program / Meal Service Site (Application fee does not apply)		\$35

RULES & REGULATIONS

Review Chapter 68, Milwaukee Code of Ordinances online at www.milwaukee.gov/ordinances. Keep informed of changes online under “View What’s New!” at www.milwaukee.gov/license



FOOD DEALER LICENSE PLAN OF OPERATION

OFFICE OF THE CITY CLERK, LICENSE DIVISION
CITY HALL, 200 E. WELLS ST, ROOM 105, MILWAUKEE, WI 53202
(414) 286-2238 • license@milwaukee.gov • www.milwaukee.gov/license

Legal Entity Name:
Premises Address:
SECTION 1 TYPE OF BUSINESS
Type of application (check one): <input type="checkbox"/> taking over a currently operating business <input type="checkbox"/> starting a new business Anticipated opening date? _____
Check the type that best describes your business (check only one): See Food Dealer License Information sheet for definitions. <input type="checkbox"/> Restaurant <input type="checkbox"/> Community Food Program <input type="checkbox"/> Retail Establishment <input type="checkbox"/> Bed & Breakfast If retail, will it be a convenience store? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Base for Food Peddler (less than 5,000 sq ft of retail space, primary business is the <input type="checkbox"/> Base for Temporary/Seasonal Food Stand sale of basic food items, and in addition sells household products)
In addition, will any wholesale business be done? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what percentage of the business will be wholesale? <input type="checkbox"/> Less than 25% <input type="checkbox"/> 25% or More (Contact DATCP)*
Will retail items be sold? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, indicate percentage of food sales _____ %
Will restaurant items be sold? <input type="checkbox"/> No* <input type="checkbox"/> Yes If Yes, indicate percentage of food sales _____ %
* If you checked "25% or More" of the business will be wholesale and answered "No" to restaurant items being sold, do not continue completing this application. A City of Milwaukee License is not required. Contact DATCP only.
SECTION 2 FOOD PROCESSING
Will any food processing be done? <input type="checkbox"/> No <input type="checkbox"/> Yes <i>Processing is defined as assembling, grinding, cutting, mixing, baking, coating, stuffing, packing, bottling, grilling, canning, extracting, fermenting, distilling, pickling, freezing, drying, smoking, or packaging.</i>
If Yes, check the types of food items: <input type="checkbox"/> SNACKS & BEVERAGES <i>includes, but is not limited to, ice cream/soft serve, lemonade, snow cones, coffee, espresso, cappuccino, tea, fruit juice, smoothies, candy, dispensed soda, fruit cups, bakery, cookies, popcorn, kettle corn, cotton candy, funnel cakes, fritters, tortilla chips w/ cheese</i> <input type="checkbox"/> MEALS <i>includes, but is not limited to, chicken, ribs, sandwiches, roasted corn, baked potatoes, hot dogs, brats, tacos, nachos w/ cheese and meat, French fries, cooked or deep fried vegetables/fruit, cooked cheese curds, corn dogs, egg rolls, salads</i>
SECTION 3 HAZARDOUS FOODS
Will any hazardous food be sold? <input type="checkbox"/> No <input type="checkbox"/> Yes <i>Hazardous foods require temperature control (includes dairy products such as milk, cheese, and ice cream, fish shellfish, meat, poultry)</i>
If yes, list the types of food items: _____

SECTION 4 SHARED KITCHEN

Will you be sharing kitchen space with another operator?

- No If No, SKIP to Section 5
- Yes If Yes, check one:
 - I will rent space from another operator ("Shared Kitchen Agreement" is required)
 - I will rent space to another operator (peddler/caterer)

SECTION 5 DETAILS OF OPERATION

Answer the following questions:

- Will you have seating on site for dining? No Yes
- Will you be doing any catering? No Yes
- Will you be doing any delivery? No Yes
- Will you have outdoor activities? No Yes
 - If Yes to outdoor activities, check all that apply: Bar Cooking/Grilling Dining
- Will you have a drive thru window? No Yes
 - If Yes to drive thru, are hours different from inside? No Yes
 - If Yes, provide drive thru hours: _____
- Will any scales or barcode scanners be used? No Yes
 - If Yes, a Weights & Measures application must be completed and a license obtained.

SECTION 6 ADDITIONAL SITES

Where will food be prepared and/or sold?

- At a single site
 - At multiple sites (for example, a hotel with several dining rooms or bars) How many? _____
- If multiple sites, attach a Food Dealer Additional Site Addendum (ccl-foodadd) for each additional site.

SECTION 7 CONSTRUCTION OR CHANGES

Are you planning any construction, remodeling or equipment changes?

- No If No, SKIP to Section 6
- Yes If Yes, check all that apply:
 - New construction of a building
 - Construction changes to an existing building
 - Renovation or remodeling
 - Equipment changes only (installation or replacement)

Provide a brief description of the changes: _____

Start date: _____

Name, Address & Phone Number of Architect: _____

Name, Address & Phone Number of Contractor: _____

SECTION 8 ALCOHOL BEVERAGES

Are you applying for an alcohol beverage license?

- No If No, SKIP to Section 9
- Yes If YES, if your food license is approved prior to the alcohol beverage license, when do you want the food license issued? Immediately At the same time as the alcohol license

SECTION 9 ACKNOWLEDGEMENTS & SIGNATURE

You must initial each item confirming your understanding:

- _____ I understand the Health Department must conduct an inspection and advise the License Division of their approval before the license may be issued.
- _____ I understand I must obtain an occupancy permit from the Department of Neighborhood Services and an inspection may be required. Neighborhood Services must advise the License Division of their approval before the license may be issued.
- _____ I understand the district alderperson will review and either approve or deny my application. If denied, I may appeal and be scheduled to appear before the Licenses Committee. The Licenses Committee will then make a recommendation to the Common Council. The Common Council must grant the license before it may be issued.
- _____ I understand proof of payment for all license fees must be on file in the License Division before the license may be issued.
- _____ I understand the license must be issued and posted in my establishment prior to opening for business.
- _____ I will not operate my food business until the license has been issued and posted in the establishment.

Signature of sole proprietor, partner, agent or 20% shareholder: _____

Signature of additional partner(s): _____



SHARED KITCHEN AGREEMENT

OFFICE OF THE CITY CLERK, LICENSE DIVISION
 200 E. WELLS ST, ROOM 105, MILWAUKEE, WI 53202
 (414) 286-2238 • license@milwaukee.gov • www.milwaukee.gov/license

SHARED KITCHEN USER

Name of Individual, Partners, or Agent of Corp/LLC: _____

Business Name: _____

Business Type:
 Caterer Farmer’s or Seasonal Market Vendor
 Peddler Temporary Event Vendor

I will be using the following services/facilities at the shared kitchen (check all that apply):

<input type="checkbox"/> Dry food storage	<input type="checkbox"/> Handwashing facilities
<input type="checkbox"/> Refrigeration/frozen food storage	<input type="checkbox"/> Restroom facilities
<input type="checkbox"/> Equipment/utensil storage	<input type="checkbox"/> Warewashing facilities (3 compartment sink)
<input type="checkbox"/> Chemical storage	<input type="checkbox"/> Facilities to prepare or package food
<input type="checkbox"/> Utilities: Electrical connection	<input type="checkbox"/> Garbage /recycling disposal
<input type="checkbox"/> Potable water connection	<input type="checkbox"/> Peddlers: Overnight parking
<input type="checkbox"/> Waste water tank disposal facilities	
<input type="checkbox"/> Waste water tank disposal facilities with grease trap	

I, the shared kitchen user, will operate out of the kitchen at the business address indicated below. I will notify the City Clerk’s Office (License Division) prior to discontinuing use of the kitchen. I will maintain an updated schedule of use of the kitchen with the City Clerk’s Office (License Division) and keep a written log of the dates/times I am actually at the kitchen. (Peddlers: I will report to the facility at least once each operating day for cleaning and servicing.)

Print Name: _____
Licensee (Individual, Partner, or Agent of Corporation/LLC)

Signature: _____ Date: _____

SHARED KITCHEN OWNER

Business Name: _____

Business (Kitchen) Address: _____

I, the shared kitchen owner, acknowledge I have entered into an agreement with the user to utilize the services/facilities indicated above. I agree to provide the user access to the kitchen on the days/times indicated on their food dealer application. I will maintain a written log of the dates/times the user is actually at the facility. I will promptly notify the City Clerk’s Office (License Division) if this agreement is terminated or if the user fails to use the kitchen on the days/times they have indicated. I acknowledge that as the primary operator of the kitchen I am responsible for the maintenance and sanitation of the kitchen, and as such, I acknowledge I am responsible for maintaining the services/facilities being provided to the user in compliance with the Wisconsin Food Code.

Print Name: _____
Licensee (Individual, Partner, or Agent of Corporation/LLC)

Signature: _____ Date: _____

Detailed Floor Plan Requirements for Alcohol Beverage Establishments, Food Dealers and Filling Stations

Please read all instructions before preparing the floor plan.

- A detailed floor plan must be submitted with this application.
- Any application submitted without the detailed floor plan (including all required items as listed below) will be returned.
- Even if the premise has been previously licensed and a floor plan submitted a new floor plan must be submitted with this application.
- The floor plan must be filed on 8 ½ x 11 inch size paper.
- A separate sheet of paper must be filed for each floor where business will be conducted. This includes the basement even if it used only for storage.
- Handwritten plans are acceptable.
- Plans do not need to be architectural drawings and need not be to scale.

ALL FLOOR PLANS MUST INCLUDE THE FOLLOWING:

1. Dimensions of the premises (length x width) and
 Total square feet of the premises
2. Label all entrances and exits
3. Show building/licensed premises in relation to surrounding streets and
 Provide street names
4. Label all parking areas on the premises (do not include street parking) This is required even if the parking is shared, for example, a strip mall and
 Provide the dimensions (length x width) of all parking areas on the premises. The parking area(s) should be marked on the floor plan for the first floor showing the relation to the building.
5. Label all trash cans inside and outside of the premises
6. Mark the North point (N↑) on each page
7. Write the date on each page
8. Write the legal entity name (and agent's name if a corporation or LLC) on each page
9. Write the trade (business) name on each page
10. Write the premise address on each page

FOOD & ALCOHOL APPLICANTS ONLY:

1. Label all seating areas, food preparation areas and bars (as applicable)
2. Label all outdoor areas used for the sale or service of alcohol beverages and/or food (for example, patios, beer gardens, sidewalk cafes and decks) and
3. Provide the dimensions (length x width) of all outdoor areas used for the sale and service of alcohol beverages and/or food.

ALCOHOL APPLICANTS ONLY:

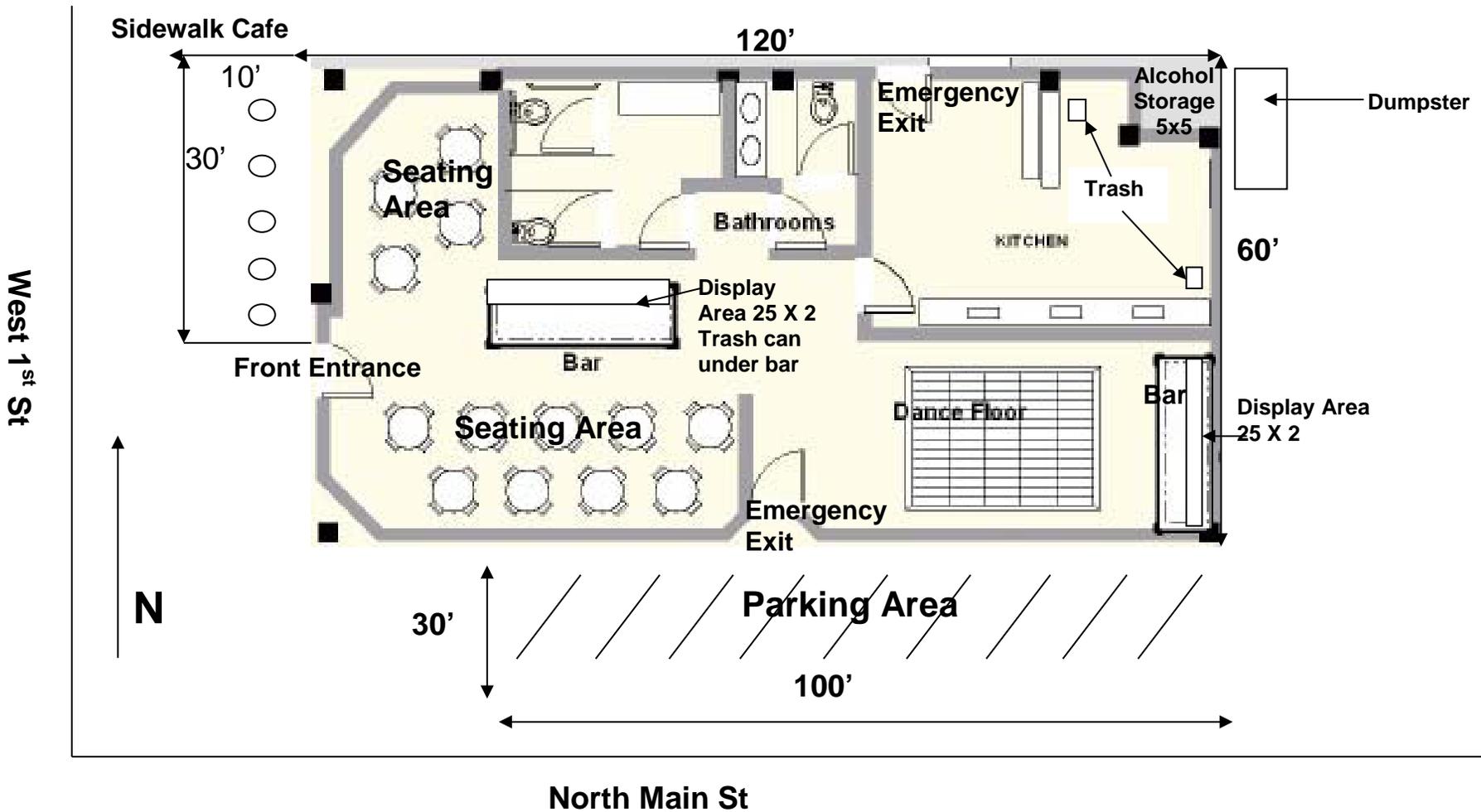
1. Label all alcohol storage areas (coolers, etc.) and
 Provide dimensions (length x width) of the alcohol storage areas
2. Label all alcohol display areas (behind the bar, shelves, etc.) and
 Provide dimensions (length x width) of the alcohol display areas

FILLING STATION APPLICANTS ONLY:

1. Label all gas pumps

Alcohol Beverage Establishment & Food Dealer Floor Plan Sample

See the Alcohol Beverage Establishment & Food Dealer Detailed Floor Plan Requirements for a list of all items that **must** be included. **Reminder: The areas for Alcohol Storage and Display must be included and the dimensions must be given. This includes basement storage.**



John A. Doe Agent for "ABC Corporation"
"My Bar"
122 Any Street
Date: June 1, 2015

**Total
Square
Footage =
6600'**