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**This policy replaces the policy issued on 2-7-1992. Please discard old policy**

**DATE:** July 21, 2004

**TO:** Agent Health Departments  
Regional Directors  
Food Safety and Recreational Licensing Sanitarians

**FROM:** Gregory A. Pallaske, M.S., R.S., REHS, Chief  
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Food Safety and Recreational Licensing  
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**SUBJECT: Seasonal Temporary Restaurant Permits.**

**QUESTION**

How do seasonal events, like sporting events and farmers markets, fit into the definition of temporary food establishment? These vendors operate at fixed locations for continuous non-consecutive days. At what point would they not be considered a temporary food establishment?

**BACKGROUND**

In part, 1-201.10 (B)(97) Wisconsin Food Code, defines “temporary food establishment” as a food establishment that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

In many instances special events like farmer markets, flea markets, races, and sporting events occur as a single event, but on a continual basis throughout the year at a fixed location. At some point these food vendors are becoming a permanent fixture at these events and should no longer be licensed as temporary food establishments.

**CODE INTERPERTATION**

The Department has determined the following policy will be applied to licensing of food establishments as temporary food establishments, permanent, or mobile food establishments.

1. Food vendors at a single event or celebration, as described above, which lasts no more than 14 consecutive days at a fixed location, during the licensing year, may be issued a

**temporary restaurant license.** There is no limit to the number of events a food vendor may attend as long as they are at different locations.

2. Food vendors at a single event or celebration, as described above, which lasts no more than 20 nonconsecutive days at a fixed location, during the licensing year, may be issued a **temporary restaurant license**.
3. Food vendors that operate more than 14 consecutive days or more than 20 nonconsecutive days at a fixed location, during the licensing year, in conjunction with a special event or celebration shall be required to obtain a regular **restaurant license or mobile food establishment and base license** and meet the requirements for those types of establishments as explained in the Wisconsin Food Code.

The following are examples of different types of food services and the type of permit, which must be issued. These examples are not all-inclusive. **Some situations may require consultation with the Food Safety and Recreational Licensing Section.**

- 1) A person operating a food service 20 nonconsecutive days or less at a race track, flea market, ball park, farmers market or similar event at which meals are served only during the period there is a ball game or other event, can be issued a temporary restaurant permit.
- 2) A person serving meals at a race track, flea market, ball park or similar event on a seasonal basis exceeding 20 total nonconsecutive days must operate from a mobile or permanent restaurant and be issued a permanent restaurant or mobile food establishment and base permit.
- 3) A person who serves meals at an annual fishing contest must be issued a temporary restaurant permit
- 4) A person who serves meals from a boat on a daily or weekly basis must be issued a mobile food establishment and service base permit.
- 5) A person who serves meals at events such as Summerfest, Oktoberfest, County Fairs, State Fairs, etc., and operates no more than 14 consecutive days shall be issued a temporary restaurant permit.
- 6) A person who serves meals from a movable trailer, van, bus, pushcart, cooker or other type of a movable facility that has established stops selling to businesses or the general public must be issued a mobile food establishment and service base permit.
- 7) A person who serves meals at a sale barn where cattle are “brought in from farms” to a central auction barn for sale must be issued a mobile or permanent restaurant permit.
- 8) A business runs a go-cart operation that is open on the weekends and wants to serve food to its patrons. This is a business that chooses to operate during the weekend summer months,

its operation is not considered a seasonal sporting event. A permanent facility would be needed with a restaurant license or a mobile food establishment and base license would be required.

- 9) A business that has a band perform during the week or on weekends and has food vendors come and sell food during these events to his/her patrons has three options available:
  - a. The business can build a code-complying food service facility and operate it under a permanent license. An individual connected with the business would have to be a certified food manager, and would be responsible for whatever licensed food establishments are serving that weekend.
  - b. The business could limit the food service to licensed mobile carts.
  - c. The business could seek temporary permits for holidays or special events, and could hold up to three special "sales promotions" per licensing year.