



Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8210 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

Summary

Permitting requirements apply to all food trucks. Food truck vending on private property is allowed, subject to additional requirements for truck operators to sell from private property, and requirements of landowners or premise operators that wishes to host food trucks selling to their guests or patrons.

Required permits

All Food Trucks require:

- Food Peddler License for the truck / unit (apply to License Division) or a mobile food establishment license issued by another Wisconsin jurisdiction.
- Base Kitchen Certificate Occupancy (apply to DNS) & service base food dealer license (apply to License Division).

Food trucks wishing to park at a location on private property for more than 24 hours:

- Above food dealer licenses & main base kitchen occupancy
- Certificate of Occupancy for the Secondary Base Kitchen (apply to DNS)
- Second service base food dealer license if unit wants to stay parked (apply to license division)

Properties wishing to host one or more food trucks on a semi-permanent or seasonal basis require:

- Certificate of Occupancy as a “Restaurant Food Truck Park” (apply to DNS)

Definitions

- Food Peddler: Anyone who sells food from a vehicle or carried container.
- Food Truck: A vehicle or unit for selling food. Local code defines this as a “food peddler vehicle” and includes bike carts, push carts, and trailers, in addition to trucks. This handout uses “food truck” referring to all vehicles selling food, and is written primarily for motorized food trucks.
- Public Way: The street, parking lanes, sidewalk, alleys, and legal “right of way” that is not private property.
- Private Property: Any property that is not the public way.
- Base Kitchen: A commercial kitchen that is the base of operations for a food truck. New base kitchens require a Certificate of Occupancy for the kitchen, which is then associated with the Food Truck license.
- Secondary Base Kitchen: A second base kitchen, also requiring a Certificate of Occupancy, which may be used by a Food Truck instead of returning to its main Base Kitchen every 24 hours.
- Use: Uses are defined categories of business or other activity on a property. The zoning ordinance requires occupancy certificates for all uses of private property.

- Restaurant Food Truck Park (RFTP): A zoning use requiring an occupancy certificate allowing one or more food trucks to sell to the general public from private property. Examples include a single seasonal food truck space at a tavern, or a large multi-truck site. See MCO 295-201-502.
- Occasional or temporary: Premises require occupancy certificates as a food truck park when trucks are more frequent than “occasional or temporary”. Any use less than 24 hours and not conducted on consecutive days is occasional or temporary.
- Semi-permanent, permanent, or seasonal: The opposite of occasional or temporary, meaning any use more than 24 hours, or any consecutive days.

Who is Involved in Food Truck and Food Truck Park Permits?

- Department of Neighborhood Services (DNS): Issues occupancy permits and inspects premises for topics like electrical installations and construction inspection for restrooms and parking areas. Apply for permits to DNS at 809 N. Broadway.
- Health Department (HD): Inspects kitchens and food trucks for food regulation compliance, and is the main inspector prior to food truck license issuance or kitchen occupancy issuance.
- License Division: Issues business licenses for food trucks and sellers. Apply at City Hall.
- Food Truck Operator: The person or business applying for a food truck license.
- Food Truck Park Operator: The person or business who controls the premises of a food truck park. This can be the same as the food truck operator if they lease the space, could be the landowner, or could be the operator of the principal business of the property.

Requirements for All Food Trucks

The License Division’s Website has further information on food truck requirements and applying for appropriate licenses. Complete requirements can be read on the License Division website:

<https://city.milwaukee.gov/cityclerk/license/LicensesPermits>.

Food truck regulation summaries can be reviewed here: [English](#) and [Español](#)

Some of the most important rules are:

- Food trucks must return to their base kitchen every 24 hours for servicing.
- Food trucks staying semi-permanently at a location must obtain a second service base license.
- Food trucks must always remain mobile and movable.
- Mobile means mobile. Everything must still be attached or affixed to the unit. Tents, tables, chairs, firepits, or similar are not permitted (MCO 68-37-13-a). However, Food Truck Park premises, and private property hosting trucks, may have amenities.
- A fire extinguisher of correct type and size must be on board.
- Business Identification Signage: Name and valid phone number must be displayed on at least 2 sides of unit with letters at least 3 inches tall.
- Food trucks licensed by another jurisdiction but operating in the public way in Milwaukee require a Mobile Seller’s License from the License Division.
- Base kitchens are required. DNS issues Occupancy Permits (permit type NOCC) for base kitchens, and these must be approved by DNS before Licensing may grant the required licenses.

- Base Kitchen requirements for Food Trucks include:
 - Apply to DNS at 809 N. Broadway for an Occupancy Certificate for a base kitchen
 - Call for inspections. Inspection information is provided at the time of application.
 - Make any corrections identified in inspections.
 - Receive the Certificate of Occupancy after successful inspections.
 - The Certificate of Occupancy is prerequisite to food dealer licenses
- Food trucks may sell in the public way, following local ordinances, including all parking signs.
- Food trucks may sell on private property only in compliance with the following guidance.

Requirements for Food Trucks Selling on Private Property

- Food trucks may sell to the employees of a business on private property, at the invitation of the business owner.
- Food trucks may not sell to the public from private property without that property having an appropriate occupancy certificate from DNS (MCO 68-37-1-c-1-b).
- Private events may have food trucks on private property. Examples include, private parties, company events, weddings or similar celebrations and similar limited-time sales to employees or guests, but not sales to the general public or long-term parking of a food truck.
- The selling must be temporary or occasional, meeting the definition below (MCO 295-201-502):
 - “...occasional or temporary parking and serving from mobile food peddler vehicles on parcels with established principal uses, including, but not limited to uses such as office or manufacturing premises, community serving uses, educational uses, or at live entertainment special events, where food peddler vehicles would be considered accessory uses to the principal use.”
 - An example would be food trucks parking intermittently at a County park.
- If the premise is not required to be an RFTP, like when no sales to the general public are occurring, ensure the property has a valid occupancy for its principal use, and no further permitting to host food trucks is required.
- Food trucks on private property not meeting these criteria must ensure that the property has the required require Occupancy Certificate as a Restaurant Food Truck Park, described in the next section.

Requirements for Restaurant Food Truck Park Occupancy

Food trucks selling to the general public from private property are permitted as a “Restaurant Food Truck Park” (RFTP), even if only one food truck is present. Landowners or lessees that operate a space may apply to DNS for a Certificate of Occupancy for a RFTP.

- RFTP are principal uses where “one or more food peddler vehicles...serve food to the general public on a continuous or seasonal basis” (MCO 295-201-502).
- Examples of RFTP uses include:
 - A property semi-permanently hosting one or more food trucks.
 - A property hosting food trucks for longer than 24 hours.
 - A parking lot where food trucks are parked for consecutive days, even if a truck leaves every 24 hours, or different food trucks rotate through the space.

- The premises operator, which is often not the food truck operator, must receive the occupancy for the premises. Food truck operators should coordinate with the property owner or premise operator for them to apply to DNS for an occupancy certificate as an RFTP.
 - For example, a tavern may wish to host a rotation of food trucks in a parking space on their property. The landowner or tenant to the property would apply for an occupancy for RFTP for the portion of the land that will host and support one or more food trucks. The RFTP occupancy belongs to the premise, and is not specific to any single food truck.
- Apply to DNS for an occupancy certificate for a Restaurant without Drive Through (Restaurant Food Truck Park).
- The definition of RFTP requires the premises to have:
 - Paving at truck operational and customer access areas,
 - Permanent electrical facilities, and
 - Restroom facilities.
- Food trucks may wish to remain at the RFTP location without returning to their base kitchen daily. This is permissible if a secondary base kitchen occupancy is permitted at the RFTP location.

Requirements for Food Trucks to Not Return to Base Daily: Secondary Kitchens

Food trucks may wish to keep the unit parked at a Restaurant Food Truck Park and not return to their base kitchen daily as required by MCO 68-37-8. Food trucks may then apply for a second base kitchen occupancy and food dealer service base license, and then stay at that second location longer than 24 hours. To receive permission for a second base for your food truck:

- Ensure the premises has occupancy permits to be a Restaurant Food Truck Park.
- Apply to DNS for a Certificate of Occupancy for a base kitchen at the second location.
- The secondary base kitchen must:
 - Have facilities for receiving wastewater and grease (WI SPS 382.34, 382.37),
 - Provide trucks access to clean water filling, and
 - Cannot be used as the principal food preparation space.
- Apply for a second service base food dealer license with license division.
- After occupancy for the secondary base kitchen is issued, then the food dealer license may be obtained from the License Division, and the location may be used.

Attachment

Selected Code Related to Food Trucks

Permitting Information for Food Trucks and Food Truck Parks

Attachment: Selected Code Related to Food Trucks

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Milwaukee Code of Ordinance (MCO) [Zoning Ordinance Definitions](#):

295-201-9. ACCESSORY USE means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.

295-201-465. PRINCIPAL USE means a primary use of a premises which is not accessory to any other use on the premises. Unless the use customarily occurs outdoors, or the definition of the use explicitly mentions that it occurs outdoors, a principal use occurs indoors.

295-201-501. RESTAURANT WITHOUT DRIVE-THROUGH FACILITY means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles. This definition shall include a restaurant food truck park as defined in 295-201-502, or a building that hosts two or more licensed food dealers offering meals for on-site pick-up or consumption that share common kitchen facilities.

295-201-502. RESTAURANT FOOD TRUCK PARK means a permanent, principal use of a parcel where one or more food peddler vehicles, as defined in s. 68-1-24, also known as food trucks, vendor carts, or other similar mobile operations, serve food to the general public on a continuous or seasonal basis. The facility includes paving at truck operational and customer access areas, permanent electrical facilities, and restroom facilities. This definition does not include occasional or temporary parking and serving from mobile food peddler vehicles on parcels with established principal uses, including, but not limited to uses such as office or manufacturing premises, community serving uses, educational uses, or at live entertainment special events, where food peddler vehicles would be considered accessory uses to the principal use.

Accessory Structure Regulations, [MCO Chapter 239](#):

239-9-3. (239-9 “Temporary Buildings and Structures”) A trailer, mobile home, motor vehicle, wagon or a portable building cannot be used in place of a permanent building with a foundation for any business, religious, educational, restaurant, commissary, shop, storage, office, laboratory, merchandise display or other similar occupancy

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Food License Regulations, [MCO Chapter 68](#)

Definition: 68-1-24. FOOD PEDDLER VEHICLE means any pushed, pedaled, pulled or motorized vehicle from which food is prepared or sold and includes any mobile or transient retail food establishment licensed under s. ATCP 75.06, Wis. Adm. Code.

Location Restrictions (MCO 68-37 "Food Peddlers")

1-c. Locations Restrictions.

c-1. Public Right-of-way. All sales shall be made on the public right-of-way directly from a food peddler vehicle or a carried container unless one of the following exemptions is met:

c-1-a. A food peddler is selling food at the invitation of a business owner on private property provided all sales are made only to employees of the business and not to the general public.

c-1-b. A food peddler is issued an occupancy permit by the department of neighborhood services allowing food sales by the food peddler on a private property.

8. BASE OF OPERATION. Every food peddler shall obtain a mobile base license. Unless operated at a licensed temporary event where facilities are provided on site or granted a variance by the department, each food peddler vehicle, cart or carried container shall return to its operational base every 24 hours for food, water and supplies, or for cleaning and servicing operations, including the emptying and cleaning of waste containers. A log shall be maintained indicating the dates and times the food peddler vehicle, cart or carried container was last serviced at a base of operation. Failure to use or maintain an operational base or failure to maintain an updated service base log shall be considered grounds for suspension or revocation of the food peddler license.

Wisconsin Plumbing Code:

[SPS 382.34\(5\)\(a\)](#)

(a) All plumbing installations for occupancies, other than dwelling units, where grease, fats, oils or similar waste products of cooking or food are introduced into the drain system shall be provided with grease and oil treatment in accordance with this subsection.

[SPS 382.38\(2\)](#)

(2) Sanitary dump stations.

(a) Sanitary dump stations which are used to receive domestic wastes and domestic wastewater from camping unit transfer tanks, RV transfer tanks, the holding tanks of travel trailers, recreational vehicles or other similar mobile vehicles, and transfer containers shall conform with this subsection.

(see the SPS