

**From:** [Jorata, Brian R - DATCP](#)  
**To:** [clerk@villageofridgeway.com](mailto:clerk@villageofridgeway.com)  
**Cc:** [Lehman, Mark D - DATCP](#); [Johnson, Carol A - DATCP](#); [Maggie Johnson](#)  
**Subject:** RE: New Transient Retail - Processing TCS Foods  
**Date:** Tuesday, March 29, 2022 2:03:09 PM

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Good Afternoon Hailey,

The license is good for one year, and can be used at an unlimited number of special events.

Thanks,

Brian R. Jorata  
Food Scientist Advanced-Licensing, Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
Phone: (608)215-4042  
[Brian.Jorata@wisconsin.gov](mailto:Brian.Jorata@wisconsin.gov)

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**From:** clerk@villageofridgeway.com <clerk@villageofridgeway.com>  
**Sent:** Tuesday, March 29, 2022 2:01 PM  
**To:** Jorata, Brian R - DATCP <Brian.Jorata@wisconsin.gov>  
**Cc:** Lehman, Mark D - DATCP <Mark.Lehman@wisconsin.gov>; Johnson, Carol A - DATCP <Carola.Johnson@wisconsin.gov>; Maggie Johnson <deputyclerk@villageofridgeway.com>  
**Subject:** RE: New Transient Retail - Processing TCS Foods

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Thank you.

For the attached, the village could do 14 farm market events and three special events or just one or the other?

Thank you,  
**Hailey Roessler**  
Clerk/Treasurer  
[www.villageofridgeway.com](http://www.villageofridgeway.com)  
Phone: 608-924-5881

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**From:** Jorata, Brian R - DATCP <[Brian.Jorata@wisconsin.gov](mailto:Brian.Jorata@wisconsin.gov)>  
**Sent:** Wednesday, March 23, 2022 11:51 AM

**To:** [clerk@villageofridgeway.com](mailto:clerk@villageofridgeway.com)

**Cc:** Lehman, Mark D - DATCP <[Mark.Lehman@wisconsin.gov](mailto:Mark.Lehman@wisconsin.gov)>; Johnson, Carol A - DATCP <[CarolA.Johnson@wisconsin.gov](mailto:CarolA.Johnson@wisconsin.gov)>

**Subject:** New Transient Retail - Processing TCS Foods

Hello Hailey,

Thank you for requesting information on licensing a Transient Retail Food Establishment Processing TCS Foods, with Department of Agriculture, Trade and Consumer Protection (WDATCP).

This license can be used by the village during a “special event”, below are two definitions from ATCP 75.

**(a)** “Special event” means a department-recognized event that is sponsored, planned, organized, and publicly advertised by organizations that include the following:

**1.** Neighborhood associations.**2.** Religious groups.**3.** Cultural groups.**4.** Political parties.**5.** Churches.**6.** Schools.**7.** Sports teams.**8.** Fraternal organizations.**9.** Non-profit organizations.**10.** City, county, state or federal governments.

**(b)** Special events are limited to gatherings of people for concerts; sporting events; trade shows; flea markets or farmers markets; public exhibitions by artists, craftsman, or vehicle enthusiasts; a fair, carnival, circus, or governmentally recognized celebration based on a specific calendar date such as a holiday or anniversary; or any other event approved by the regulatory agency. A “potluck” is not a “special event”.

A non-profit organization can prepare, serve or sell meal items for three or less days during a licensing year (July 1st – June 30th) without a license.

**(28)** “Occasional” or “occasionally” means not more than 12 days for non-meal food sales and not more than 3 days for meal food sales during any licensing year.

**(35)** “Retail food establishment- serving meals” means a permanent retail food establishment operating as a restaurant where the total meal sales exceed 50% of all retail food sales. A retail food establishment- serving meals includes any building, room, or place where meals are prepared, served, or sold to the general public and all places used in connection with the building, room, or place; and any public or private school lunchroom for which food service is provided by contract. A retail food establishment- serving meals does not include any of the following:

**(b)** Non-profit organizations, under [26 USC 501](#) (c), including churches, religious, fraternal, youth, or patriotic organizations; service clubs; and civic organizations that occasionally prepare, serve, or sell meals to transients or the general public.

The organization is required to follow food safety regulations. Here is a link to helpful information: [DATCP Home Food Code Fact Sheets \(wi.gov\)](#)

1. Where can I operate:

ø **"Transient Retail Licenses"** operates at a fixed location only in conjunction with a

special event or farmers market for a period of no more than 14 consecutive days or in conjunction with an occasional (3 day) sales promotion.

- ð This license does not allow you to operate outside of special events – if you want to street vend you will need a Mobile License.
- ð Your WDATCP Transient Retail License will be recognized at temporary events throughout Wisconsin. However, the local jurisdiction may charge an inspection fee.
- ð It is good practice to contact the local health department prior to operating in their area.

2. Know your regulation:

- ð Read ATCP 75 – Wisconsin Food Code Chapter 10 that applies specifically to temporary restaurants. Wisconsin Food Code:  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/75\\_/](http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75_/) ATCP 75:  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/75](http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75)
- ð Food Code Fact Sheets including #23 Retail and Mobile Temporary Food Service can be found at [https://datcp.wi.gov/Pages/Programs\\_Services/FoodCode.aspx](https://datcp.wi.gov/Pages/Programs_Services/FoodCode.aspx)

3. What can I serve:

- ð **Transient Retail Processing– TCS (temperature control for safety) Foods** allows you to serve foods that the final product **does require temperature control** for food safety.
- ð You are not required to have a licensed base in conjunction with this license but all food must be prepared at the event or in at a food facility that you hold a license for (retail, food processing plant).

4. Apply for your license:

- ð Complete the attached Transient Retail Application. You will be applying for the \$170 license.
- ð If you are applying as an individual/sole proprietor also fill out and include the Social Security Form attached.
- ð Mail the application and payment to the PO Box in Milwaukee that is at the top of the application form.
- ð It will take a minimum of 10 business days to process your application. Applications are processed in the order that are received; there is no expedited licensing feature.
- ð An inspector will contact you by phone at the number you indicated on the application to discuss licensing/inspections.

Thank you for reviewing the attached materials. Please do not hesitate to contact us with any additional questions, **call 608-224-4923 and leave message or email [datcpdfslicensing@wi.gov](mailto:datcpdfslicensing@wi.gov)**

Brian R. Jorata  
Food Scientist Advanced-Licensing, Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and Consumer Protection

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