

**CITY OF PINCONNING
AMENDMENT TO ORDINANCE #612**

AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD VEHICLE VENDORS

CITY OF PINCONNING, COUNTY OF BAY ORDAINS:

PURPOSE: In the interest of encouraging mobile food vendors, who will add to the vibrancy and desirability of the City of Pinconning, the city wants to provide a framework under which such businesses operate. It is the recommendation of this council to adopt rules for food trucks to ensure compliance with health and safety regulations and to reasonably restrict the location and durations of such temporary facilities.

SECTION 1:

DEFINITIONS:

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein shall have the following meanings:

A. Mobile Food Vehicle: A motorized vehicle which may upon issuance of a license by the City Clerk and conformance with the regulations established by this ordinance may temporarily park upon a public street or private property and engage in the service, sale or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

B. Mobile Food Vending: Vending, serving, or offering for sale food and/or beverages from a mobile vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a t-shirt that bears the name of the organization engaged in mobile food vending.

C. Vendor: Any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart or other means of conveyance.

SECTION 2:

REQUIREMENTS:

The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with charges upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending stands and pushcarts.

A. A permit is required from the City Clerk authorizing such activity. The City Clerk shall prescribe the form of such permits and application for such permit. All approved permits shall be prominently displayed on the mobile food unit. No vending through a Mobile Food vending Unit of food and/or other human consumables shall be permitted unless it meets the definition as defined by this ordinance. A permit issued under this ordinance shall not be transferrable from person to person. A permit is valid for one (1) vehicle only and is non transferrable between vehicles.

B. The permit application shall include the following:

1. Name, signature, phone number, email contact and business address of the applicant.
2. Description of the preparation methods and food product for sale including the menu.
3. Information on the food vehicle including year, make and model of the vehicle and dimensions which shall not exceed thirty (30) feet in length and ten (10) feet in width.
4. Information of proposed hours of operation plans for power, water supply and wastewater disposal.
5. Copies of all necessary licenses or permits issued by the Bay County Health Department, including a copy of the "letter of intent" provided to Bay County.
6. Proof of Comprehensive Liability policy with limits of no less than \$1 million Combined Single Limit Coverage issued by an insurer licensed to do business in the State of Michigan and which names the City as an additional injured. Also proof of Public Liability and Property Damage motor vehicle policy with limits of no less than \$1 million will need to be provided.

C. All vendors receiving a permit/license under this ordinance shall pay a fee of \$100.00 per event, \$250.00 per month or \$550.00 yearly. There will be no proration of fees and fees are nonrefundable once a permit/license has been issued.

SECTION 3:

REGULATIONS:

1. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within the areas of the City where the permit holder has not been authorized to operate. The City Council shall by resolution identify those streets and public areas.
2. The customer service area for these food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food shall be prepared, sold or displayed outside of the vehicle.
3. All mobile food vehicles shall provide a waste container for public use which the vendor shall empty at his own expense. All trash originating from the preparation shall be collected and disposed of off-site by the operator each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the street is allowed.
4. All vendors shall comply with the City's Noise Ordinance, Sign Ordinance and all other City Ordinances. They must comply with all licensing and permit requirements not limited to the Bay County Health Department, Michigan Department of Agriculture, Rural Development, Michigan Secretary of State and any other agency with licensing or regulatory jurisdiction over mobile food service providers.
5. Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions and shall not hinder lawful parking or operation of other vehicles.
6. A vendor shall not operate a mobile vehicle within 200 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.
7. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a permit has been obtained to allow for such use.
8. Any power required for the mobile food vehicle located on public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. All power sources must be self-contained. No power or cable equipment shall be extended at or across any City Street, alley or sidewalk. No disposing of liquid wastes, including but not limited to grease into storm and sanitary sewers.
9. Mobile food service providers shall not offer or advertise the offering of beer, wine or other alcoholic beverages.
10. Any mobile food service provider that violates any provisions of this section may, in addition to any other penalties, have its license suspended or revoked.
11. A mobile food vendor may only operate the following hours: 9:00AM-9:00PM in residential areas, 7:00AM-11:00PM in commercial areas, and 7:00AM-9:00PM on private property within a commercial area.

SECTION 4:

PENALTY:

Any person(s) violating any of the provisions of the above sections, shall be guilty of a municipal civil infraction in accordance with this Amended Ordinance #612. Mobile food service providers will be fined 150% of the permit/license fee as set by City Council for the first offense; 200% of the permit/license fee for the second offense and 250% of the permit/ license fee for the third and subsequent violations within a 12-month period.

SECTION 5:

Former Ordinance #612 is hereby repealed in its entirety.

SECTION 6:

This Amended Ordinance is adopted upon publication.

Vern Little, Mayor

Rebecca Lakin, City Clerk