

ORDINANCE 01-2021

**AN ORDINANCE TO AMEND CHAPTER 18– BUSINESSES– BY ADDING
ARTICLE VII– MOBILE FOOD VENDING.**

THE CITY OF LAINGSBURG ORDAINS:

PART CHAPTER 18 – CODIFIED ORDINANCES is hereby amended by adding Article VII which shall read as follows:

Sec. 18-401. PURPOSE.

It is the purpose of this article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the City of Laingsburg, while providing a framework under which such businesses operate; and to protect the public health, safety, and welfare of the City.

Sec. 18-402. DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (1) “License” A license issued under this Chapter, as required for operation of a Mobile Food Vending Unit.
- (2) “Mobile Food Vending.” Serving or offering for sale, food and/or beverages from a Mobile Food Vending Unit which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- (3) “Mobile Food Vending Unit.” Any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.
- (4) “Operate.” To perform all activities associated with the conduct of business, not including set up and take down.
- (5) “Stationary.” Not immobilized, or remaining in the same location for greater than 5 minutes.
- (6) “Vendor.” Any person(s) engaged with or employed by a Mobile Food Vending Unit.

Sec. 18-403. SCOPE.

- (a) General. The provisions of this article apply to Mobile Food Vending Units engaged in the business of cooking, preparing, and distributing food or beverage with or without charge on any property within the City of Laingsburg.
- (b) Exceptions. A license issued under this Chapter shall not be required for any school or government-sponsored Mobile Food Vending Unit operating on school or government property, or authorized participants in any City-sponsored fair, festival, special event, civic event or other event approved with City-approved community event status. This Chapter shall not apply to not for profit groups who operate Mobile Food Vending Units

on an infrequent and irregular basis and on private property. Food establishments who operate a permanent business that appears on the City tax roll are also exempt from this Chapter, unless operating upon a public street or within the right of way. Exempted entities must notify the City of operation and may be denied if operation conflicts with other events. Mobile Food Vending Units operating on private property and that are not open to the general public are exempt from this Chapter. These include but are not limited to, graduation parties, open houses, family reunions, or other similar events.

Sec. 18-404. LICENSE REQUIRED; NON-TRANSFERABLE.

- (a) General. No vendor shall engage in Mobile Food Vending without a license from the Zoning Administrator authorizing such vending. All licenses shall be prominently displayed on the Mobile Food Vending Unit. A license issued is not transferable from person to person or between vehicles. The City may issue up to 15 licenses per calendar month. A vendor may purchase a day license no sooner than 90 days prior to the intended date of operation, and no later than 48 hours prior to the intended date of operation.
- (b) Day License. A day license allows the Vendor to obtain a license to operate in the City for one day.

Sec. 18-405. APPLICATION.

Every Vendor desiring to engage in Mobile Food Vending shall submit a written application for such license to the Zoning Administrator. The application for a license shall include the following documentation:

- (1) Complete license application.
- (2) Copy of Health Department license.
- (3) Copy of valid driver's license and current vehicle registration and insurance.
- (4) Proof of General Comprehensive Liability policy with limits of no less than \$2 million Combined Single Limit coverage issued by an insurer licensed to do business in this State and which names the City as an additional insured.
- (5) Signed statement that the licensee shall indemnify and hold harmless the City, its officers and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under terms of the license.

Sec. 18-406. FEES.

An application for a license under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Council. Fees are non-refundable once a license has been issued by the Zoning Administrator. No fee shall be charged to a business which is on the City's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter. Special events sponsored by the City of Laingsburg are exempt from licensing fees associated with Mobile Food Vending Units if all other requirements are met.

Sec. 18-407. PERMITTED LOCATIONS.

- (a) Right of Way. Mobile Food Vending Units are prohibited from operating in any public right of way without a license.

- (b) Parking. Any Mobile Food Vending Unit intending to park or operate in City owned parking lots or in on-street parking spaces are required to provide 48 hours notice to the City. Failure to do so will result in license revocation.

Sec.18-408. REQUIREMENTS.

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (2) Not operate during a City-authorized street fair, public festival, farmers' market or event being conducted without authorization from City Council.
- (3) Immobilize the Mobile Food Vending Unit while operating in the City.
- (4) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- (5) Not use loud music, amplification devices, or any other audible methods to gain attention while stationary. Any safety hazard or excessive noise associated with the operation of a stationary Mobile Food Vending Unit, including generators, will be addressed by the City and may result in license revocation.
- (6) Comply with all applicable City Ordinances unless stated otherwise herein.
- (7) Comply with all applicable federal, state and county regulations.
- (8) Operate only between the hours of 8:00 a.m. and 11:00 p.m.
- (9) A Mobile Food Vending Unit shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any Mobile Food Vending Unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- (10) Not represent the granting of a license under this Ordinance as an endorsement by the City.
- (11) Not utilize any electricity or power without the written authorization of the power customer; no power cable or similar device shall be extended at or across any City street, sidewalk, or pathway.
- (12) Mobile Food Vending Units are prohibited from disposing of any waste into storm drains or sanitary sewer.
- (13) Not be located so as to block or impede pedestrian or vehicular movement at any public sidewalk, roadway, driveway, approach, designated fire lane, or other means of ingress/egress not mentioned herein.
- (14) Display any licenses granted to the vendor by state, county, and City authorities.

Sec. 18-409. ENFORCEMENT.

Any license holder operating a Mobile Food Vending Unit in violation of any provision of this Ordinance or any rules and regulations promulgated by the City shall be subject to a civil infraction pursuant to Chapter 2 Article VI of the City Codified Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Sec. 18-410. IMPOUNDMENT.

Any equipment associated with food vending that is not in compliance with this Ordinance and/or left on public property may be impounded at the owner's expense.

Sec. 18-411. REVOCATION.

- (a) The Zoning Administrator shall revoke the license of a Mobile Food Vending Unit for any of the following reasons:
 - (1) Fraud, misrepresentation or a false statement on application or in the course of operating the Mobile Food Vending Unit.
 - (2) Creation of a public nuisance constituting a danger to public health, safety, and welfare.

- (b) Once a license has been issued it may be revoked, suspended, or not renewed by the Zoning Administrator for failure to comply with the provisions of this Ordinance and any rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Zoning administrator shall provide written notice to the license holder and property owner by certified mail to the address provided on the application. No person whose Mobile Food Vending Unit license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

Sec. 18-412. RIGHT OF APPEAL

- (a) Right of Appeal. Vendors seeking to operate outside the above requirements may petition the City Council. The City Council is not obligated to approve a request, and will, at their discretion permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the agenda for consideration a request must be made to the Zoning administrator no later than 7 business days before the City Council meeting for which redress is sought.

Sec. 18-413. VALIDITY AND SEVERABILITY.

The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Sec. 18-414. REPEALER CLAUSE.

All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Sec. 18-415. EFFECTIVE DATE, PUBLICATION

This ordinance shall take effect, November 17th, 2021, the thirtieth day after the date of its publication in the newspaper on October 17th, 2021.

CITY OF LAINGSBURG

Mayor

Clerk

I, Clerk of the City of Laingsburg, Shiawassee County, Michigan, do hereby certify that the foregoing ordinance is a true and complete copy of an ordinance adopted by the City Council on the 4th day of October, 2021.

Clerk