

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall (517) 676-9155
Fax (517) 676-1330

PLANNING COMMISSION SPECIAL MEETING - COUNCIL CHAMBER Tuesday, March 29, 2016

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. People from the Floor
4. Presentation – Food Truck Ordinance – David Haywood, Zoning & Development Director
5. Public Forum – Food Truck Ordinance
6. Discussion – Food Truck Ordinance
7. Adjournment

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

RE: Ordinance – Mobile Food Vendors/Food Trucks

DATE: March 25, 2016

At the March 15, 2016 meeting, the Planning Commission began the process of developing an ordinance to regulate mobile food vendors/food trucks. Attached is a summary of the issues discussed during the meeting. Two conclusions were made at that time. First, that a special workshop of the whole commission would be necessary to develop a final draft ordinance for recommendation in time for the next Planning Commission meeting of April 12, 2016. Second, that an additional public forum would be necessary to get input from the public on the draft ordinance developed to date.

Attached are the materials from last month related to the mobile food vendor discussion, including staff report, draft ordinance, ordinance examples, public input (food vendors), board and commission input/notes, and public forum notes.

Please remember that the City Council has requested the Planning Commission provide a recommendation no later than April 12, 2016. Therefore, it is critical that the Planning Commission be as prepared as possible to address as many of the concerns identified as possible. If you have any suggestions, questions or additional concerns that need to be addressed, please bring them to my attention before the meeting, so I have adequate time to research and bring additional materials to address the issue.

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

RE: Ordinance – Mobile Food Vendors/Food Trucks

DATE: March 10, 2016

Purpose

This effort originally started in the spring of 2015 with City Council directing staff to develop an ordinance to regulate food trucks. After much internal discussion, it appears that assistance from the Planning Commission would be the best method for developing a draft ordinance. With the “food truck season” quickly approaching, it is obvious that an ordinance needs to be developed as quickly as possible. Therefore, it is important to know that the City Council has an expectation to receive a recommendation on an ordinance by April 12, 2016. I understand that this is a quick turn-around, but necessary given the time of season.

Ordinance Examples

Staff has gathered multiple sample ordinances to review. Attached are example ordinances from the following Michigan municipalities:

- City of East Lansing
- City of Kalamazoo
- City of Mount Pleasant
- City of St. Joseph
- City of Traverse City

Other Resources/References

Staff has collected a variety of resources that might aid in the discussion. Each of the publications below is included in your packet.

- “Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending” – Clearzoning April 2014
- “Food Trucks, from American Planning Association” – Zoning Practice, September 2013
- “Regulating Food Trucks” – American Planning Association Planning Advisory Service, November 2015

Public Input Summary

Staff has received initial feedback on the prospect of permitting mobile food vendors in the City from the Downtown Development Authority, Historic District Commission, Planning Commission, and Traffic Commission. Many areas of concern were identified as a result of the discussions. A public forum was also held in February to get initial thoughts and concerns from the public in general. Summaries of both are attached.

Analysis & Observations

Staff has conducted a cursory review of the sample ordinances listed above. We have found a trend among many of the ordinances. There is a basic structure that appears to be fairly consistent throughout most ordinances observed, which include the following sections; scope, definitions, license required, application, fees, regulations, complaints/enforcement, appeals, sunset date.

The “regulations” section is where we find the most differences among all the ordinances. The ordinance examples that staff has examined to date cover a variety of regulatory issues, which include, but are not limited to the following:

- Location – public parking, private property, parks, festivals, and prohibited locations
- Density - separation from other food trucks
- Cleanliness
- Noise
- Signs
- Hours of operation
- Proximity to brick and mortar restaurants
- Insurance
- Use of utilities

Staff would suggest that the Planning Commission focus their discussion around what we would consider the most important considerations being; location, density, hours of operation, and proximity to restaurants.

Draft Ordinance

Based on of the considerations listed above, staff has taken the liberty of drafting an ordinance that hits on many of the concerns identified to date. The draft ordinance is formatted to fit the City’s ordinance structure and serves as a beginning point for our conversation.

Recommendation

Staff recommends the Planning Commission set a date for a workshop and/or additional public forum to develop a final draft ordinance and recommendation to City Council by April 12, 2016.

Introduced: _____
First Reading: _____
Second Reading: _____
Adopted: _____
Effective: _____

CITY OF MASON

**MOBILE FOOD VENDING REGULATION ORDINANCE
[DRAFT]**

AN ORDINANCE TO AMEND CHAPTER 10 – BUSINESSES
– BY ADDING ARTICLE IV, MOBILE FOOD VENDORS –
WHICH DEFINES MOBILE FOOD VENDORS AND SETS
FORTH REQUIREMENTS FOR COMPLIANCE

THE CITY OF MASON ORDAINS:

Chapter 10 of the Mason City Code is hereby amended by adding Article IV to establish regulations for mobile food vendors, which amended, article shall read as follows:

ARTICLE III. Mobile Food Vehicle Vending

Section 10-70. Definitions

Mobile food vending means vending, serving, or offering for sale food and/or beverages from a mobile food 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 food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

Mobile food vending unit means any motorized or non-motorized, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served or offered for sale.

Vendor means any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, sort of other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.

Section 10-71. Scope

The provisions of this article apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge 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 pushcarts and stands located on sidewalks.

Section 10-72. License Required

(a) It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.

(b) A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

- (1) Name, signature, phone number, email contact and business address of the applicant.
- (2) A description of the preparation methods and food product offered for sale including the intended menu.
- (3) Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length or 9 feet in width.
- (4) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
- (5) Copies of all necessary license or permits issued by the Ingham County Health Department.
- (6) Insurance coverage.

(c) 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 injured.

(d) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than \$1 million issued by an insurer licensed to do business in this State.

(e) All vendors receiving a license under this ordinance shall pay the annual fee as set from time to time by the City Council.

(f) The City Clerk shall issue no more than 10 active mobile food vehicle licenses for any calendar year. Each mobile food vehicle license shall expire on December 31 of each year.

(g) A license issued under this ordinance shall not be transferable from person to person.

(h) A license is valid for one vehicle only and shall not be transferred between vehicles.

Section 10-73. Fees

An application for a permit under this Article shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. If operating on non-City property, 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 Article.

Section 10-74. Regulations

(a) No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate. The City Council shall by resolution identify those streets and public areas where parking by mobile food vehicles is permitted.

(b) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

(c) No mobile food vehicle vendor shall provide or allow any dining area within 10 feet of the mobile food vehicle, including but not limited to tables and chairs, booths, stools, benches or stand up counters.

(d) All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

(e) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

(f) Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.

(g) No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(h) Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

(i) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(j) A mobile food vendor may conduct business between the hours of 9am and 12am. This restriction shall not apply to Special Event Vendors operating under a separate event permit issued by City Council.

(k) A vendor shall not operate a mobile food vehicle within 500 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.

(l) The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

(m) 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 concessionaires license has been obtained from the City Clerk, pursuant to Article II of Chapter 10, to allow for such use.

(n) No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.

(o) Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

(p) Mobile food vehicles shall not be parked within 150 feet of an existing, brick and mortar restaurant during the hours when such restaurant is open to the public for business, unless written permission is obtained from said restaurant.

(q) Mobile food vendors may not operate or sell within a residentially zoned area.

Section 10-75. Enforcement

(a) Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the City shall be subject to a civil fine of \$250 per day. Each day of violation shall constitute a separate and distinct offense.

(b) Once a license has been issued it may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the City.

Section 10-76. Severability

If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

Effective Date. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member _____ and supported by Council Member _____, with a vote thereon being: YES () NO (), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the ____ day of _____, 2016. Ordinance No. ____ declared adopted this ____ day of _____, 2016.

Mike Waltz, Mayor

Deborah J. Cwierniewicz, City Clerk

Thomas M. Hitch (P25558)
Mason City Attorney
601 Abbot Road, PO Box 2502
East Lansing, MI 48826-2502

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 1901

**AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD
VEHICLE VENDORS**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Sections 25-63 to 25-68 of the Kalamazoo City Code are created to read as follows:

"ARTICLE IV

Mobile Food Vehicle Vendors

Section 25-63. Short Title

This ordinance may be referred to as the city of Kalamazoo Mobile Food Vehicle Ordinance.

Section 25-64. Definitions

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 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.

MOBILE FOOD VEHICLE VENDOR -- The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor".

Section 25-65. Scope

The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge 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 pushcarts and stands located on sidewalks.

Section 25-66. License Required

A. It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.

B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

(1) Name, signature, phone number, email contact and business address of the applicant.

(2) A description of the preparation methods and food product offered for sale including the intended menu.

(3) Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length or 9 feet in width.

(4) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.

(5) Copies of all necessary license or permits issued by the Kalamazoo County Health Department.

(6) Insurance coverage:

(a) 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.

(b) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than \$1 million issued by an insurer licensed to do business in this State.

C. All vendors receiving a license under this ordinance shall pay the annual fee as set from time to time by the City Commission.

D. The City Clerk shall issue no more than 10 active mobile food vehicle licenses for any calendar year. Each mobile food vehicle license shall expire on December 31 of each year.

E. A license issued under this ordinance shall not be transferable from person to person.

F. A license is valid for one vehicle only and shall not be transferred between vehicles.

Section 25-67. Regulations

A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate. The City Commission shall by resolution identify those streets and public areas where parking by mobile food vehicles is permitted.

B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

C. No mobile food vehicle vendor shall provide or allow any dining area within 10 feet of the mobile food vehicle, including but not limited to tables and chairs, booths, stools, benches or stand up counters.

D. Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

E. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

F. Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.

G. No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

H. Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

I. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

J. A vendor shall not operate a mobile food vehicle within 500 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.

K. The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

L. 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 special use permit has been obtained to allow for such use.

M. No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.

N. Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

O. Mobile food vehicles shall not be parked within 150 feet of an existing, brick and mortar restaurant during the hours when such restaurant is open to the public for business.

Section 25-68. Enforcement

A. Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the City shall be subject to a civil fine of \$250 per day. Each day of violation shall constitute a separate and distinct offense.

B. Once a license has been issued it may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the City.

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction,

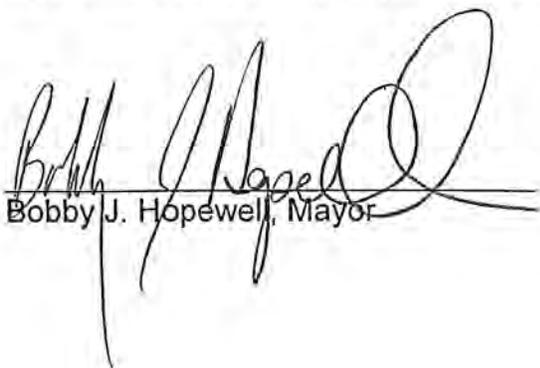
said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

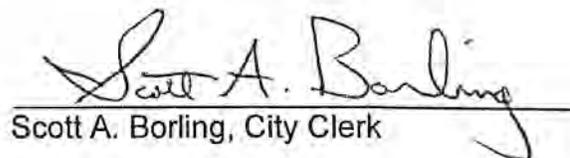
Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 20, 2012. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.


Bobby J. Hopewell, Mayor


Scott A. Borling, City Clerk

CITY OF EAST LANSING

POLICY RESOLUTION NO. 2012-2

GUIDELINES FOR GRANTING CONCESSIONAIRE LICENSES IN THE CITY OF EAST LANSING

WHEREAS, The City Manager may grant a Concessionaire License to any person, firm, partnership, corporation or other business entity to sell goods, services or merchandise from a temporary or portable structure or fixture at a specific location on any public place, street, or right-of-way within the downtown business district pursuant to Section 8-133(7) of the City Code.

WHEREAS, In addition to the terms and conditions described in Chapter 8, Sections 8-131 through 8-133 and Sections 8-151 through 8-154 of the City Code, the City Council is to approve guidelines for the City Manager to consider in reviewing applications for Concessionaire Licenses; and

WHEREAS, The Downtown Development Authority has voted in support of the following guidelines; and

WHEREAS, The Council and the Downtown Development Authority wish to have the following areas covered by this policy resolution:

- | | |
|-------------------------------|-------------------------------|
| 1. Application/Review/Appeals | 6. Appearance and Noise |
| 2. Permitted Uses | 7. Sanitation and Cleanliness |
| 3. License Fees | 8. Insurance |
| 4. Locations | 9. Storage |
| 5. Hours of Operation | 10. Review of Policy |

NOW THEREFORE, the City Manager shall consider the following Guidelines in reviewing an application for a Concessionaire's License:

1. Application/Review/Appeals

An Advisory Committee selected by the DDA will review concessionaire applications. This committee will consist of membership from the DDA and Downtown Management Board, one of whom shall be a merchant engaged in the food service business.

- a. Applications are submitted to the City Clerk.
- b. Review of applications will be by an Advisory Committee appointed by the DDA.
- c. Advisory Committee will review applications for conformance with Guidelines and recommend approval or denial to City Manager.

- d. The City Manager may deny and/or suspend or revoke a license pursuant to Section 8-67 if licensee does not meet the minimum requirements of these guidelines. Failure to meet the minimum requirements of or comply with these guidelines is cause for denial, suspension or revocation of a license.
- e. Appeals of City Manager's action to deny an initial license and of the application of specific guidelines to an applicant may be made to the City Council. Appeals of the City Manager's action to suspend or revoke a license or deny a renewal license application shall be made pursuant to Sections 8-67.

2. Permitted Businesses/Uses and Application Review Criteria

The permitted uses are for food vending and non-food vending only if the non-food items are not already offered by a nearby downtown business

Application Review Criteria:

- a. In addition to the requirements of Section 8-152, application shall include all plans and merchandise proposed to be sold.
- b. Advisory Committee shall coordinate location of use.
- c. Proposed business shall meet the goal of providing a use that adds to the vitality and aesthetic appeal of the downtown.
- d. Proposed business shall compliment the area.
- e. Applicants need to meet all applicable local and state laws and comply with requirements of the Ingham County Health Department.

3. License/Rental Fees

- a. \$200 initial application fee and \$100 annual renewal application fee. Application fees will be applied to the annual rental fee upon approval.
- b. Initial fees will be as follows: \$1,200 annual rental fee for all approved concessionaire carts and \$1,800 annual rental fee for all approved food trucks. Renewal fees will be \$1,100 annually for concessionaire carts and \$1,700 annually for food trucks.
- c. Rental fees will offset parking revenue lost and will otherwise go to the DDA to be expended by the DDA for maintenance & public improvements in the DDA District pursuant to the annual DDA budget approved by City Council.

4. Locations

- a. No locations will be allowed along Grand River Avenue. Concessionaire Carts shall be permitted only at those three locations shown and Concessionaire Trucks shall be permitted only at the one parking location as shown on the attached DDA District Boundary map which is incorporated herein.
- b. Concessionaire Cart Location Criteria:
 - a) Locations will be reviewed with respect to non-conflicting uses.
 - b) One cart or kiosk per location unless recommended otherwise by the Advisory Committee.
 - c) Locations will only be allowed where there is a minimum of six feet of unobstructed public walkway.
 - d) Location assignments will be based on seniority and if a concessionaire does not renew before their one-year approval expires then they may lose their location.
- c. Specific locations (up to 40 sq. ft. per cart and 1 parking space per truck) will be recommended to the City Manager or Council by the DDA following a recommendation from the Advisory Committee.
- d. Goods are not allowed to be sold to persons in vehicles.
- e. Businesses within 500 feet of the proposed site will be notified of the application for a Concessionaire's License and given the opportunity to comment. The City Manager will take these and other comments into consideration during his/her review.

5. Hours of Operation

- a. Normal maximum hours of operation, Sunday through Saturday, 7:00 a.m. to 12:00 midnight, (Licensee must stop serving at 12:00 a.m.).
- b. No hours allowed during any City sponsored festivals (unless approved through Festival procedures). Concessionaires may operate on football game days.
- c. Licensees will be monitored for conformance by P.A.C.E.
- d. Concessionaires must remove cart daily at or before 12:00 a.m.
- e. Food trucks shall have a set monthly schedule approved by the City Manager upon recommendation of the advisory committee so that the parking space may be made available for visitors when not in use by the food truck.

6. Appearance and Noise

- a. Licensee shall submit drawings and photographs of cart or truck and goods and complete list of goods to be sold.
- b. Carts and trucks shall be attractive and be kept clean.
- c. Cart shall be movable and have at least two wheels. Tables allowed for non-food items only with approval of the Review Committee.
- d. Cart and truck designs shall be approved by Advisory Committee.
- e. Vendors shall not use loud generators or other noise producing equipment per the City's Noise Ordinance.

7. Sanitation and Cleanliness

Licensee shall provide own receptacle and keep/leave location and immediate surrounding area clean and free from trash and litter. (Note: City/DDA may add additional receptacles, if required.)

8. Indemnity and Insurance

Licensee shall, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of the public right of way. The Licensee shall obtain and maintain during the term of the license a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$300,000 per occurrence. A certificate of insurance naming the City as an additional insured shall be filed by licensee with the approved application. The certificate shall provide that the City will receive 30 days prior written notice of cancellation or non-renewal.

9. Storage

During off hours, licensee shall be responsible for removing cart or truck and any other equipment to be stored off site in a private location.

10. Review of Policy

That the concessionaire guidelines be evaluated by the DDA with a report and recommendation to the City Council every year.

Policy Resolution 2012-2 replaces Policy Resolution 2011-3.

Diane Goddeeris, Mayor

Moved by Councilmember: Triplett

Seconded by Councilmember: Power

Adopted: YEAS: 4

NAYS: 0

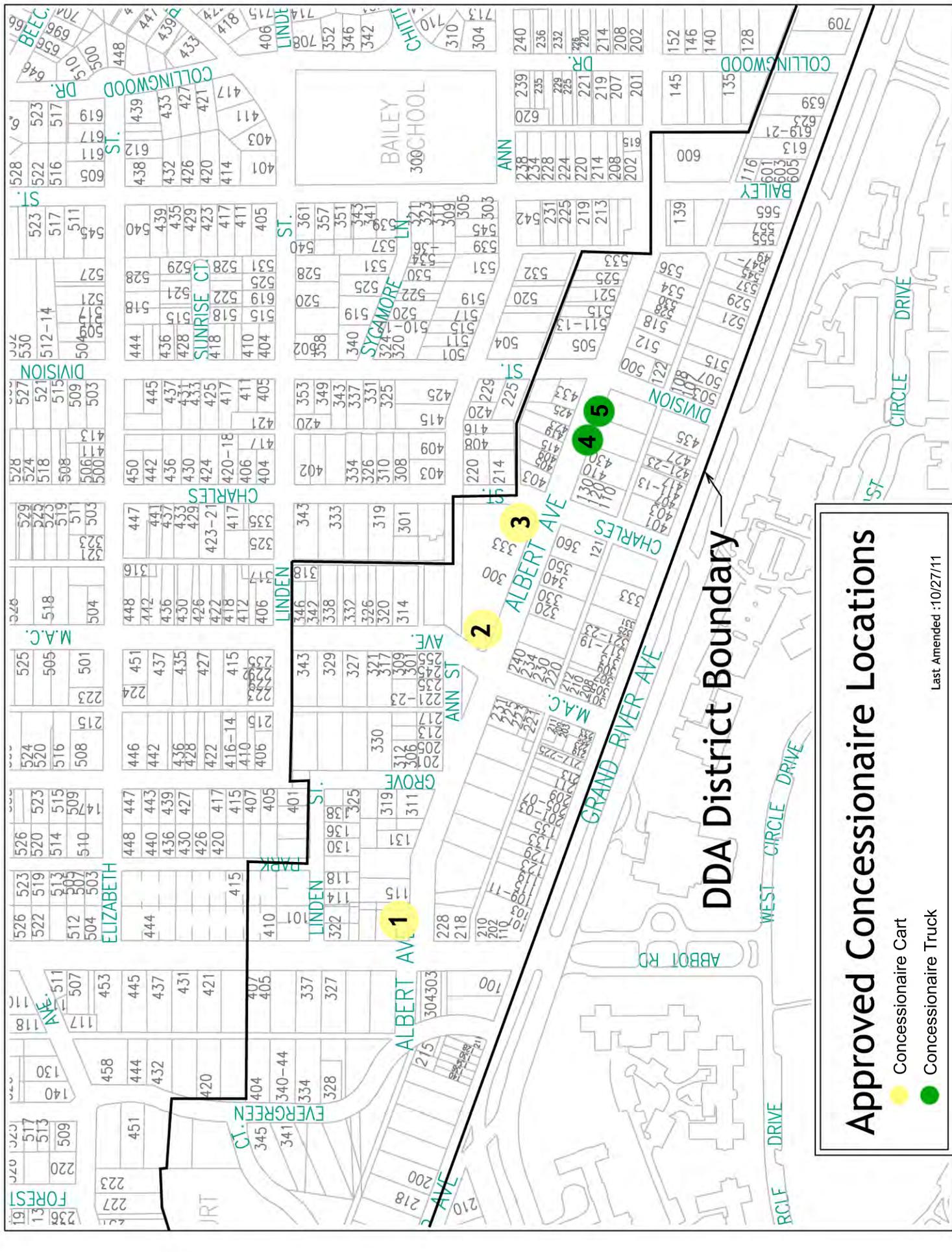
ABSENT: 1

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Policy Resolution adopted by the East Lansing City Council at its regular meeting held on July 10, 2012, the original of which is part of the Council's minutes.

Marie E. McKenna, City Clerk
City of East Lansing
Ingham and Clinton Counties, Michigan

Approved as to form:

Thomas M. Yeadon (P38237)
East Lansing City Attorney
601 Abbot Road
East Lansing, MI 48823



Approved Concessionaire Locations

- Concessionaire Cart
- Concessionaire Truck



**Resolution Establishing Locations on City-Controlled Property
Where Mobile Food Vending is Allowed**

Because, the City of Traverse City desires to encourage mobile food vendors who add to the vibrancy and desirability of Traverse City while providing a framework under which such businesses operate; and

Because, the City Commission, as called for in Chapter 865 of the City of Traverse City's Code of Ordinances, may establish by resolution city-controlled property where mobile food vending as defined by the Code of Ordinances, may occur; and

Because, the City Commission desires to authorize certain city-controlled property for permissible Mobile Food Vending; now, therefore be it,

Resolved, by the City Commission for the City of Traverse City that the City Clerk is authorized to issue Mobile Food Vending licenses in accordance with Chapter 865 of the Traverse City Code of Ordinances at the following city-owned properties:

1. Along city streets which abut city parks that are located outside of the DDA, Traverse City Central High School, Northwestern Michigan College's main campus at 1701 East Front Street, the Grand Traverse County Civic Center, and Munson Medical Center's Main Campus at 1101 Sixth Street, provided parking is otherwise allowed on such streets, during hours allowed by Traverse City Ordinance Chapter 865;
2. Along State Street between Pine and Union Streets, during hours allowed by Traverse City Ordinance Chapter 865;
3. In Parking Lot RB, with a maximum of two Mobile Food Vending Units located within the parking lot as allowed by City ordinance;
4. In Parking Lot B, with a maximum of two Mobile Food Vending Units located within the parking lot as allowed by City ordinance, with no vending during Farmer's Market times;

Resolution Establishing Locations on City-Controlled Property Where Mobile Food Vending is Allowed

5. In Parking Lot J, with a maximum of two Mobile Food Vending Units located within the parking lot as allowed by City ordinance;
6. In Parking Lot E, with a maximum of two Mobile Food Vending Units located within the parking lot as allowed by City ordinance.
7. In the Senior Center Parking Lot, with a maximum of one Mobile Food Vending Unit within the parking lot as allowed by City ordinance.

Resolved further, that the City Clerk is authorized to implement these requirements in his/her best judgment; and

Resolved further, that any such Mobile Food Vending Unit shall be at least thirty feet from all intersections and driveways.

I certify that this resolution was adopted by the City Commission for the City of Traverse City at its May 6, 2013, Regular Meeting and amended at its August 17, 2015, Regular Meeting, held in the Commission Chambers, 2nd Floor, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.



Benjamin C. Marentette, MMC, City Clerk

ORDINANCE NO. 982

AN ORDINANCE TO AMEND SECTIONS 110.11, 110.27 AND 110.99 OF THE MOUNT PLEASANT CITY CODE TO REGULATE VENDORS AND TO PROVIDE CERTAIN PENALTIES FOR VIOLATIONS AND TO ADD SECTION 110.28 TO REGULATE MOBILE FOOD SERVICE PROVIDERS.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF MOUNT PLEASANT:

Section 1. Amendment. Section 110.11 of Chapter 110, "General Licensing," of the Mount Pleasant City Code is amended to read as follows:

§ 110.11. **REQUIRED LICENSE.** No person shall engage in the businesses or activities listed in this section without first obtaining a license which shall require payment of a license fee in amounts set from time to time by City Commission resolutions.

- (A) Auctioneers;
- (B) Circus, menagerie, carnival, exhibition, side show;
- (C) Junk Dealers;
- (D) Mobile food service providers;
- (E) Pawnbrokers;
- (F) Taxicab businesses, vehicles, and drivers; and
- (G) Vendors.

Section 2. Amendment. Section 110.27 of Chapter 110, "General Licensing," of the Mount Pleasant City Code, is amended to read as follows:

§ 110.27. **VENDORS.**

(A) *DEFINITIONS.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PEDDLER. Any person who travels from place to place for the purpose of distributing leaflets, pamphlets, fliers, or other literature, displaying, selling, making sales, offering for sale, or leasing with the option to buy, takes orders for, or attempts to take orders for the retail sale of any goods, property, or services whatsoever for current or future delivery. Peddler includes any person who travels by foot, vehicle, wagon, cart or any other means displaying, selling, offering for sale, taking orders for sale, or leasing with the option to buy, at retail, any food, goods, property, or service. Peddler also includes any person who operates a pushcart, or other structure powered by bicycle or human power, with at least two operational wheels, which can be easily moved and which is used by a vendor to conduct sales.

PERSON. Any natural person, corporation or partnership, including both principals and agents thereof, or two or more persons having a joint or common interest.

TRANSIENT MERCHANT. Any person, firm, association or corporation, while not traveling from place to place, engaging temporarily in a retail sale of food, goods, wares or merchandise in any place in the city and who for the purpose of conducting business temporarily occupies any private lot, building, room or structure of any kind. This ordinance shall not be construed to permit sales on City-owned property unless authorized under a separate written agreement.

VENDORS. Any “peddler” or “transient merchant” as provided in this section. Vendor shall not include a person selling at an art fair, farmers’ market, festival or similar special event at the invitation of the event’s sponsor, if all of the following conditions are met:

- (1) The sponsor has obtained a vendor's license;
- (2) The person provides the sponsor with the person's sales tax license number.

(B) *LICENSE REQUIRED.* No vendor shall engage in such business within the City without first obtaining a license as provided under this Chapter. Such licenses shall be subject to the application fees as may be set from time to time by the City Commission and paid in accordance with City Code § 110.08. Transient Merchant license fee waived if currently licensed and using truck/trailer as Mobile Food Service Provider.

(C) *REGULATIONS.* In addition to the license requirements in this Chapter, and except as otherwise provided, the following regulations apply to vendors:

(1) Vendors who conduct their business by going door-to-door shall not solicit at any premises posted with a NO SOLICITATION sign or other similar marking.

(2) No vendor shall have any exclusive right to any location in the public street, sidewalk, or right-of-way, or be permitted a permanent, stationary location, or be permitted to operate in any congested area where his or her operations impede or inconvenience the public. For the purpose of this section, the judgment of a police officer or Code Enforcement Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public has been impeded or inconvenienced.

(3) Unless otherwise first authorized in writing by the City, no vendor shall obstruct any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale or engage in any business regulated by this chapter. Except with prior written permission of appropriate school officials, no vendor shall conduct any sale within 150 feet of the entrance of any school building between the hours of 8:00 a.m. and 5:00 p.m. on the days when school is in session.

(4) Applicants for a vendors license who are selling, or offering to sell food, goods, wares, and merchandise owned by themselves, who furnish to the City Clerk, with all other license application materials, proof of an honorable discharge from the armed services and a copy of a license issued pursuant to 1921 PA 359, as amended, MCL 35.441 through 35.443, shall not be required to pay the annual license fee.

(5) Individuals or groups wishing to do their business under this section in any City park must first secure written permission from the Parks Director before applying for a license, and shall comply with all applicable park rental fees, rules, and regulations.

(6) Vendors shall present a valid license for inspection or examination when requested by any City Public Safety Officer or City official.

(7) No vendor shall sell or offer for sale any unsound, unripe or unwholesome food or drink or any defective, faulty or deteriorated article of food.

(D) *EXCEPTIONS.* The provisions of this chapter shall not apply to any of the following:

(1) Representatives of duly established businesses, located elsewhere, calling upon merchants or other established businesses for the purposes of selling them merchandise or services and who normally make repeated calls on such businesses at regular intervals, such as wholesale suppliers, office supply firms and similar businesses.

- (2) Solicitations including sale or distribution of goods, wares, merchandise, leaflets, pamphlets or other materials for religious, charitable or political purposes.

Section 3. Amendment. Section 110.28 of Chapter 110, "General Licensing," of the Mount Pleasant City Code, is added to read as follows:

§ 110.28. **MOBILE FOOD SERVICE PROVIDERS.**

(A) *PURPOSE*. The purpose of this section is to license and regulate the movement, location, business practices and hours of operation of mobile food providers in the City; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of the streets and sidewalks; and, to protect the health, safety, and welfare of the people of the City.

(B) *MOBILE FOOD SERVICE PROVIDER DEFINED*. For the purpose of this section, unless the context clearly indicates or requires a different meaning, "mobile food service provider" means a motorized vehicle which, upon issuance of a license by the City Clerk and conformance with the regulations under this chapter, may temporarily park upon a public street or in a public parking lot, and engage in the preparation, service, sale or distribution of ready-to-eat food for individual portion service to the general public directly from the vehicle. For the purposes of this section, mobile food vehicle includes a trailer pulled by a motorized vehicle engaged in the preparation, service, sale, or distribution of ready-to-eat food for individual portion service to the general public directly from the trailer, and shall include cookers, grills, smokers or other similar apparatuses. Mobile Food Service Provider shall be considered a Transient Merchant and will be subject to all Transient Merchant regulations when operating on private property with the permission of the property owner. Mobile food service provider shall not include a person selling at an art fair, farmers' market, festival or similar special event at the invitation of the event's sponsor, if all of the following conditions are met:

- (1) The sponsor has obtained a vendor's license;
- (2) The person provides the sponsor with the person's sales tax license number.

(C) *LICENSE REQUIREMENTS*. No mobile food service provider may engage in the service, sale, or distribution of food in the City without first obtaining a license from the City Clerk. The City Clerk shall charge an application fee for mobile food service provider licenses. Such licenses shall be subject to the application fees as may be set from time to time by the City Commission and paid in accordance with City Code § 110.08. Mobile Food Service Provider license fee waived if currently licensed and using truck/trailer as a Transient Merchant. The City Clerk may annually issue up to 12 mobile food service provider licenses per year.

(D) *REGULATIONS*.

- (1) Mobile food service providers may conduct business in the C-2 Central Business District as defined in § 154.066 as well as on-street parking places on South Main Street from East High Street on the north to East Bellows Street on the south. Mobile food service providers may not conduct business in any other area of the City.
- (2) Mobile food service providers may conduct business only between the hours of 8:00 p.m. and 3:00 a.m. Mobile food service providers shall not conduct business at any other time.
- (3) Mobile food service providers may conduct business in on-street parking places and public parking lots during the permitted hours of operation. While conducting business, mobile food service providers shall operate in such a manner so as not to interfere with pedestrian or

vehicular traffic. If directed by City staff or public safety personnel for snow plows or in response to emergency situations, mobile food service providers shall promptly relocate.

(4) Mobile food service providers shall serve customers only on the curb, lawn, or sidewalk side of the mobile food service vehicle while parked in on-street parking spaces. Mobile food service providers shall not provide food service in any right-of-way. Mobile food service providers may serve customers only when parked.

(5) If operating on sidewalks or while parked on City streets or in public parking lots, mobile food service providers shall not supply or provide tables and chairs, booths, stools, benches, tents, or other similar dining area for customers.

(6) Mobile food service providers shall provide adequate dining utensils as reasonably necessary for its customers. Mobile food service providers shall place a trash receptacle outside the mobile food service vehicle which shall be emptied and disposed of off-site by the mobile food service provider each day. The mobile food service provider shall keep the area in which it operates clean, sightly, and free of trash. Mobile food service providers shall be completely self-contained, and are prohibited from utilizing any City electrical outlets, water from city hydrants, and disposing of liquid wastes, including but not limited to grease, into storm or sanitary sewers.

(7) Mobile food service providers shall not be parked on the street, or in public parking lots in which they intend to provide service overnight or left unattended and unsecured at any time food is in the vehicle.

(8) Mobile food service providers shall comply at all times with all City nuisance regulations as provided in Chapter 96 of the Mount Pleasant City Code.

(9) Mobile food service providers shall not be located within 150 feet of a permanent business with a food license during the business's hours of operation.

(10) A license is valid only for each individual vehicle or trailer operated by a mobile food service provider and shall not be transferred among vehicles or trailers.

(11) Mobile food service providers shall present a valid license for inspection or examination when requested by any City Public Safety Officer or City official.

(12) Applicants for a mobile food service providers license who are selling, or offering to sell food, owned by themselves, who furnish to the City Clerk, with all other license application materials, proof of an honorable discharge from the armed services and a copy of a license issued pursuant to 1921 PA 359, as amended, MCL 35.441 through 35.443, shall not be required to pay the annual license fee.

(13) Mobile food service providers shall comply with all applicable laws, rules, regulations and licensing or permit requirements including, but not limited to those issued by the Isabella County Health Department or the Michigan Department of Agriculture and Rural Development or its successor agency, the Michigan Secretary of State, the Michigan Liquor Control Code, and any other agency with licensing or regulatory jurisdiction over the mobile food service provider.

(14) Mobile food service providers shall not offer or advertise the offering of beer, wine, or other alcoholic beverages.

(E) *LICENSE REVOCATION OR SUSPENSION.* Any mobile food service provider that violates any provision of this section may, in addition to any other penalties, have its license suspended or revoked as provided in City Code § 110.04.

(F) *SUNSET PROVISION.* The provisions of § 110.28 shall expire one year from the date the amended ordinance goes into effect.

Section 4. Amendment. Section 110.99 of Chapter 110, “General Licensing,” of the Mount Pleasant City Code is amended to read as follows:

§ 110.99. **PENALTY.** Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction in accordance with City Code § 36.01 *et seq.* Except as otherwise provided, the fine for violation of any provision of this chapter shall be \$50 for the first offense; \$100 for the second offense; and \$250 for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense. Any person violating the provisions of this chapter licensing mobile food service providers, peddlers, or transient merchants shall be fined in accordance with the following:

(1) Mobile food service providers licensed under City code § 110.28 violating any provision of this chapter shall be fined 150% of the license fee as set from time to time by resolution of the City Commission for the first offense; 200% of the license fee as set from time to time by resolution of the City Commission for the second offense; and 250% of the license fee as set from time to time by resolution of the City Commission for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense.

(2) Peddlers licensed under City code § 110.27 violating any provision of this chapter shall be fined 150% of the license fee as set from time to time by resolution of the City Commission for the first offense; 200% of the license fee as set from time to time by resolution of the City Commission for the second offense; and 250% of the license fee as set from time to time by resolution of the City Commission for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense.

(3) Transient merchants licensed under City code § 110.27 violating any provision of this chapter shall be fined 150% of the license fee as set from time to time by resolution of the City Commission for the first offense; 200% of the license fee as set from time to time by resolution of the City Commission for the second offense, and 250% of the license fee as set from time to time by resolution of the City Commission for third and subsequent violations within a 12-month period. Each day in violation shall constitute a separate offense.

Section 5. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

Kathleen Ling, Mayor

Jeremy Howard, City Clerk

Introduced: September 23, 2013
Adopted: October 14, 2013
Published: October 22, 2013
Effective: November 13, 2013

**City of St. Joseph
Berrien County, Michigan**

An ordinance to amend Chapter 21, "Vending Ordinance" of the City of St. Joseph Code of Ordinances

THE CITY OF ST. JOSEPH ORDAINS:

Chapter 21 of the St. Joseph Code of Ordinances is hereby amended in its entirety and shall now read as follows:

**Chapter 21
VENDING ORDINANCE**

- Sec. 21-1. Purpose.
- Sec. 21-2. Definitions.
- Sec. 21-3. Vending locations.
- Sec. 21-4. Special Event Vendor licenses.
- Sec. 21-5. Licenses, fees and application.
- Sec. 21-6. Additional regulations
- Sec. 21-7. Enforcement.
- Sec. 21-8. Revocation.
- Sec. 21-9. Right to appeal
- Sec. 21-10. Canvassers
- Sec. 21-11. Other permits or licenses
- Sec. 21-12. Appearance tickets.
- Sec. 21-13. Civil infraction.
- Sec. 21-14. Severability.

Sec. 21-1. Purpose.

The purpose of this chapter is to license and regulate the movement, location, business practices and hours of operation of Vendors in the City; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of the streets, alleys and sidewalks; to encourage, preserve and enhance the "small town charm" and ambiance of the downtown area; to safeguard against insect and rodent infestation; to assure the highest quality offering of food and other products; to otherwise protect the health; safety and welfare of the people of the City; and to protect the citizens' quiet enjoyment and peace while leaving ample business opportunity and means for Vendors.

Sec. 21-2. Definitions.

1. *Vendor*: Every person who offers goods or services for sale on the streets or from a vehicle or a stand open to the street, whose business is conducted from a vehicle, cart, stand or temporary structure. For purposes of this chapter, Vendor shall be described as the following: Stationary Vendor, Day Vendor, Special Event Vendor, Moving Vendor and Peddler. A person conducting a garage sale as defined in Chapter 24 of the Code in a zoning district in which a garage sale is permitted is not considered a Vendor for purposes of this Chapter. For the purposes of this chapter, a temporary structure includes those structures defined as personal property under MCL 211.8.

- a. *Day Vendor*: Operator of a portable vending cart or motorized vending unit, selling goods from a single approved site. The portable vending cart or motorized vending unit must be removed every evening after vending hours have ended.
- b. *Moving Day Vendor*: Operator of a portable vending cart or motorized vending unit selling goods while moving along an approved vending location.
- c. *Special Event Vendor*: Operator of a stationary stand or portable vending cart licensed for a limited, specific period in association with a special event. The stationary stand or portable vending cart may be left on site for the duration of the event, and may be located on private property. The Special Event Vendor shall be licensed by the special event organization which has been approved by the city commission to organize a special event or by the City of St. Joseph if the special event organization has waived vending rights.
- d. *Peddler*: Every person traveling by foot, wagon, bicycle or other similar conveyance from place to place, house to house, business to business, or street to street, selling or offering for sale any goods or services, whether for current or future delivery.

Excluded from this definition are persons: (1) making delivery of goods previously ordered by any business or personal customer; (2) a person or business whose activity in major part is driving a regular route to the location of existing customers who have arranged for return visits; (3) all Vendors that fall under an approved Special Event designation;(4) persons working on behalf of a religious, political or non-profit charitable organization selling goods or services for that organization for its fund-raising, seeking donations, distributing information or seeking signatures on petitions; (5) canvassers.

- e. *Stationary Vendor*: Operator of a stationary stand, which shall remain on a single approved site for the entire period of the Vendor license, and if preparation and sale of unpackaged food products is offered, must have water, sanitary sewer and electric and/or gas utilities.
2. A business located and operated in a permanent building or permanent structure having a fixed location and a roof supported by columns, walls or other support and used or built for the conduct of business and defined as real property under MCL 211.2, is not considered a Vendor for the purpose of this chapter.
 3. *Canvasser*: *Canvasser* means any person traveling by foot, wagon, motor vehicle or other conveyance, from place to place, house to house, business to business, or street to street, on behalf of a religious, political, educational or non-profit charitable organization selling goods or services for that organization for its fund-raising, seeking donations, distributing information or seeking signatures on petitions. A Canvasser is not considered a Vendor for purposes of this chapter, but is subject to regulation as further set forth in this Chapter.
 4. *Vending Stand and Cart Definitions*:
 - a. *Motorized Vending Unit* shall mean any licensed motorized vehicle with two (2) or more wheels, the primary purpose and design being for vending purposes.

- b. *Portable Vending Cart* shall mean a cart with at least two (2) operating wheels, which is movable by one (1) person, the primary purpose and design being for vending purposes.
- c. *Stationary Stand* means a non-motorized vending trailer or shed, tent or other vending stand not movable by one (1) person.

5. *Vending Location Definitions:*

- a. *Day Vendor Location:* A site suitable for a portable vending cart to remain fixed during vending hours and, removed after vending hours. The location shall be as established by resolution of the city commission. Approval of a Day Vendor site means the Vendor has an exclusive right to the location for the period of the license.
- b. *Street Vending Locations:* Sites specified for Moving Day Vendors as established by resolution of the city commission, which may include parks, right of ways, sidewalks, or vacant City property. Moving Day Vendors shall not remain fixed on one site any longer than reasonable and necessary to complete a transaction. Moving Day Vendors have no exclusive right to any location and shall not block sidewalks or cause traffic congestion.
- c. *Special Event Vendor Location:* Vendor sites in an area approved under a Special Event Vendor license for a specified period of time. The area in which Day Vendors may operate is designated in a special event application. The city commission shall approve the Special Event Vendor license by resolution. The special event organization approves Vendors based upon their own criteria. The city commission may by Resolution approve special event vending locations in those cases where the special event organization has waived vending rights.
- d. *Stationary Location:* A site where a stationary Vendor places a stationary stand for the duration of the vending season. No public property or right of way shall be utilized for stationary vending.

Sec. 21-3. Vending Locations.

1. The city commission shall by resolution establish vending areas where vending may be located and the number and types of Vendors by area, except as follows:
 - a. Vendor licenses are not permitted in the Whirlpool Compass Fountain park area or the public sidewalks abutting it, or on the public sidewalks abutting the Silver Beach Center.
 - b. Moving Day Vendors and Peddlers are not permitted in the DDA district.
2. Vendor licenses may be granted for sales from a stationary stand, portable vending cart or motorized vending unit operating on private property in the D-Downtown District under the following circumstances:
 - a. No more than one (1) Vendor is permitted per lot of record at any one time, providing the Vendor has met the licensing requirements set forth in this Chapter and all applicable standards of the zoning and/or building ordinances for outdoor display of goods have been met, or

- b. The Vendors are authorized under a Special Event Vendor license.
- 3. Vendor licenses are not required for sales on private property not in the D-Downtown District when such sales are sanctioned by the property owner and conducted from a portable vending cart or motorized vending unit.

Sec. 21-4. Special Event Vendor License.

- 1. Vending license limitations may be expanded or waived during approved special events authorized by resolution of the city commission.
- 2. The city commission may authorize the city manager to issue a Vendor license to valid local not-for-profit organizations sponsoring and operating a special event within a specified area of the City. No person, group or organization shall sell any food, merchandise, goods, services, amusements, rides or other items on any public street, alley, sidewalk or other public property within the special event area during the time of the special event without first being approved by the sponsoring not-for-profit organization overseeing the special community event.

Sec. 21-5. License; fees and application.

- 1. *License required:* It shall be unlawful for any person to engage in business as a Vendor within the City without first having obtained a license from the city clerk as provided in this Chapter. A separate license is required for each Vendor stand, motorized vending unit or portable vending cart unless exempt under Sec. 21-3.3.
- 2. *License term:* The term for a Vendor License shall be:
 - a. Day Vendors - Seasonal
 - b. Moving Day Vendors – Daily
 - c. Special Event Vendors – Daily or per the special event approval
 - d. Stationary Vendors – Seasonal
 - e. Peddlers – Daily

Seasonal shall mean April 1 through October 31 of the year issued.

- 3. *Application Deadline:* The application deadline for vending Licenses shall be:
 - a. Seasonal Vending Licenses – January 31st of each year. Applications shall be presented to the city commission for approval at the second regularly scheduled meeting in February.
 - b. Daily or Special Event Licenses – No less than ten (10) days before the city commission meeting during which approval will be requested.
- 4. *Fees:* All fees for the various categories of Vendor licenses shall be established by resolution of the city commission. Upon certification of the County Clerk, an eligible veteran will be exempt from all vending fees (MCL 35.61 - .62).

5. *Application:* An applicant shall file with the city clerk a written application, upon a form provided for that purpose. The following information is required in the application:
 - a. Name, address, date of birth, driver's license number, and telephone number of the applicant;
 - b. The criminal history of the applicant;
 - c. A color photograph of the stand or cart;
 - d. The nature, character and quality of the goods or services offered for sale or delivery;
 - e. Nature of business and method of distributing products;
 - f. Nature of license requested and proposed location;
 - g. Dates and times of operation being requested;
 - h. Names and addresses of employees or agent who will be assisting the applicant in the proposed business;
 - i. License number of any vehicle which is to be used;
 - j. Proof that the applicant possesses all licenses or permits required by this municipality, Berrien County or State of Michigan for the operation of the proposed business and that such license or permits are consistent with the terms of the vending being proposed by the applicant (must be provided before license will be granted);
 - k. Proof that the applicant possesses a valid retail Vendor sales tax permit from the Michigan Department of Treasury, if a sales tax permit is required for the type of proposed operation (must be provided before license will be granted);
 - l. Proof of insurance as required in this Chapter (must be provided before license will be granted);
 - m. Any other information which is required by the city clerk to clarify items on the application.
6. *Basis for reviewing and granting licenses:* To assure that the purposes of this Chapter are met, licenses will be reviewed and granted based upon:
 - a. The completeness of the application;
 - b. The quality and legitimacy of the product offered for sale;
 - c. The construction and design of the stand, cart or mobile vending unit to be used;
 - d. The Vendor's previous vending performance, including citizen complaints, ordinance violations, etc.

7. *Minimum Requirements:*

a. The following are minimum requirements that must be met:

- 1) The applicant must be over the age of 18;
- 2) The applicant must be current in all payments due to the City, including but not limited to taxes, fees, fines or penalties;
- 3) The applicant must completely and truthfully answer all questions and provide all requested information on the application;
- 4) The applicant must provide proof of a license or permit required by this chapter or by County or State law for the operation of the proposed business;
- 5) The applicant, applicant's employees or agents, individually or cumulatively, may not have been convicted of a violation of this chapter, within the three years immediately preceding the application. A plea of guilty or no contest in any court of law shall constitute a conviction for purposes of this provision. A conviction on appeal shall have no effect.
- 6) The applicant must pay the required application fee;
- 7) The applicant and the proposed business must be in compliance with all applicable laws, rules, ordinances, and regulations of the federal, state, and city government, including all regulatory agencies;
- 8) The applicant's business or method of doing business must not substantially interfere with traffic flow on public streets or sidewalks; and
- 9) Approved sites, as designated by the city commission, must be available.

b. If the city clerk finds any of the requirements listed above have not been met, the city clerk shall deny the application and send to the applicant by registered mail, return receipt requested, a written statement setting forth the reason or reasons for the denial and notifying the applicant of his or her right to appeal.

8. *Investigation:* When an application and fee have been filed and approved as meeting all minimum requirements, the city clerk shall transmit the application to the public safety director. The public safety director shall make an appropriate investigation of the applicant, which may include but is not limited to, a review of the applicant's background, an inspection of the stand or cart, and an inspection of the proposed vending location, to insure compliance with this chapter. No license will be issued against the recommendation of the public safety director.

9. *City commission approval:* With the approval of the public safety director, the application shall be placed on the agenda for review and consideration by the city commission at its next regularly scheduled meeting.

10. *Issuance of license:* Upon receipt of the license fee and proof of all other required certificates, licenses and insurance, the city clerk shall issue the license to the applicant within ten (10) business days of city commission approval.

Sec. 21-6. Additional regulations. All Vendors shall abide by the following additional requirements and restrictions:

1. Sales limited to products on application: Sales shall be limited to the products specified on the application.
2. *Licenses; non-assignable and non-transferable:* Licenses issued under the authority of this chapter shall be non-assignable and non-transferable.
3. *Display of license required:* All licenses shall be displayed in a prominent place on the stationary stand, portable cart or motorized vending unit. The failure of a licensee to conspicuously display such license when engaged in licensed business shall be sufficient cause for the suspension or revocation of the license. All Moving Day Vendors and Peddlers shall display a name tag supplied by the City of St. Joseph and clearly stating Vendor approval dates.
4. *Prices posted:* All prices charged for each item offered for sale shall be posted on the stand or push cart, no item shall be sold for more than the posted price.

Business hours, restrictions: Day Vendors, Moving Day Vendors and Stationary Vendors may conduct business between 9:00 a.m. and 10:00 p.m. or as otherwise regulated on a location basis as determined by resolution of the city commission. Peddlers may engage in business between 9:00 a.m. and sundown. These restrictions shall not apply to Special Event Vendors operating under a Special Event Permit approved by the city commission.

5. *Traffic regulations:* All Vendors must comply with all traffic, parking, and sidewalk regulations and policies.
6. *Obstructing public places:* Moving Day Vendors shall not occupy a stationary location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is to be used by pedestrians or persons operating motor vehicles, or operate in such a manner as to cause obstruction or blocking of pedestrian or vehicular access. Such Vendor shall be presumed to have occupied a stationary location if he/she has conducted business in any such place for a period in excess of ten (10) minutes.
7. *Prohibited locations for sale:* Sales shall not be made to persons standing in the roadway, to occupants of vehicles at red lights, or to occupants of vehicles in moving traffic lanes.
8. *Off-limit locations:* Business shall not be conducted within fifty (50) feet of any school, church, synagogue or place of worship during services or within one-hour of services; courthouse; police station; or other public location unless specifically authorized pursuant to the terms of the license. In addition, the City manager shall have power to designate such streets, sidewalks, parts of streets, or sidewalks, districts or areas where it shall be unlawful for any licensee to operate or conduct her/his business, such designation to be made based

upon congested traffic conditions, character of the neighborhood, or if the conduct of such business constitutes a public nuisance.

9. *Proof of insurance:* All Vendors must obtain and maintain a policy of liability insurance by a company licensed to do business in the State of Michigan and approved by the City. Insurance coverage must be in the minimum amount of One Million Dollars (\$1,000,000.00) for personal injury and property damage arising out of the licensed operation, including operation by employees, agents or independent contractors. Proof of insurance must be provided to the City before a license can be granted and thereafter upon reasonable request. The insurance policy for Vendors operating on public property shall directly protect the City of St. Joseph, its officers, employees and agents as additional named insureds, and shall provide that the insurance be primary. The policy shall provide thirty (30) days prior written notice of revocation, cancellation, or amendment to the City.
10. *Hold harmless:* All Vendors shall agree to hold harmless and protect the City of St. Joseph, its officers, employees and agents from any liability, claims, costs, expense or attorney fees arising out of the licensed operation that is not covered by the Vendor's required insurance.
11. *Litter clean up required:* All Vendors shall keep the sidewalks, street and other public places adjoining and adjacent to their locations of business clean and free from any refuse generated from the operation of their business. Vendors shall dispose of their own refuse and shall not use City trash receptacles.
12. *Loud noise/speaking devices/lights:*
 - a. Vendors shall not, or cause any person on the Vendor's behalf to, shout, cry, blow a horn, ring a bell, or use any sound device, including loud speakers or sound amplifiers, upon any streets, alleys, parks or other public places of the City, or upon any private premises, for the purpose of attracting attention to any goods, wares or merchandise which the Vendor proposes to sell.
 - b. Vendors shall not, or cause any person on the Vendor's behalf to, use or employ any flashing lights on any vehicle or any other device for the purpose of attracting attention to any goods, wares or merchandise which the Vendor proposes to sell.
13. *"No Soliciting" sign:* Vendors shall not enter onto property that has a posted "no trespassing," "no visitors," "no soliciting," "no peddling," "do not disturb," or similar notification making apparent the desires of the owner or occupant of the premises, and shall immediately leave the property after being requested to leave by the occupant.
14. *Threatening or harassing behavior:* Vendors shall not threaten or harass any citizen in the course of their activities or in any way engage in conduct that threatens the health and safety of another or causes a nuisance.
15. *Sales limited to products on application:* Vendors shall be limited to the sale of products specified on the application. Amendments to originally approved applications may be made to the city clerk. However, an application fee of an amount established from time to time by resolution of the city commission must accompany each request for a new item.

Sec. 21-7. Enforcement.

1. It shall be the duty of any police officer to require any person seen soliciting, merchandising, or vending and who is not known by such officer to be duly licensed, to show proof of a license issued by the city clerk, and to enforce the provisions of this chapter against any person found to be violating them.
2. Any police officer may enter any licensed premises at any time during business hours for the purpose of ascertaining the manner in which such business is conducted and to investigate complaints. At all such times, the officer shall be permitted access to the books of such business to ascertain compliance with the provisions of this chapter.
3. It shall be the duty of any police officer to examine all places of business and persons in their territories subject to the provisions of this chapter to verify compliance with this chapter and to enforce the provisions of this chapter.

Sec. 21-8. Revocation.

1. The city clerk is authorized to revoke any license issued under this chapter for violation of the provisions of this chapter, including, but not limited to the following:
 - a. The Vendor has violated any provision of this Chapter, any provision of the St. Joseph Code of Ordinances, or state or federal laws, rules or regulations.
 - b. The Vendor has made a false material statement in the application or has otherwise become disqualified for issuance of the permit.
 - c. The Vendor has had a written complaint filed against it for violation of this Article and probable cause exists for substantiation of the complaint.
 - d. The Vendor has acted in a manner contrary to the public health, safety or welfare of the citizens of St. Joseph.
2. The city clerk shall provide the Vendor with written notice of the revocation by personal service or by first class mail at the address listed on the license application. The city clerk shall also inform the Vendor of its right to appeal. An appeal shall not stay the action of the city clerk.

Sec. 21-9. Right to Appeal. A Vendor may appeal the city clerk's or public safety director's license denial, or a license revocation, by filing a written request with the city clerk's office within fourteen (14) days of the date appearing on the notice of revocation. The hearing shall be held by the City manager or the City manager's designated representative within seven (7) days of the appeal being filed.

Sec. 21-10. Canvassers.

1. *Canvasser registration required:* All canvassers shall register with the city clerk's office prior to canvassing in the City. Such registration shall require: the name, address, telephone number, photo identification review, vehicle license number and date of birth of the peddler. The canvasser shall describe the goods or services being sold and the general terms of the transactions. The canvasser shall provide the name, address, telephone number, and

information about the company or venture the canvasser represents. The canvasser shall further provide the name, address, telephone number, business hours of a contact person at the organization the canvasser represents. Copies of brochures or promotional materials shall be left with the city clerk. The city clerk's office may examine samples, catalogs or other materials. The city clerk or director of public safety or his/her designee may verify the canvasser's affiliation or authority to represent the non-profit charitable organization.

2. *Prohibited canvassing:* Canvassing is prohibited on any privately owned premises that is posted with a sign or other notice stating "no trespassing," "no visitors," "no soliciting," "no peddling," "do not disturb," or similar notification making apparent the desires of the owner or occupant of the premises and shall immediately leave the property after being requested to leave by the occupant or person in charge of such premises.
3. *Business hours, restrictions:* Canvassing may be conducted between 9:00 a.m. and sundown.

Sec. 21-11. Other permits or licenses.

A license obtained under this Article shall not relieve a person of the responsibility for obtaining any other license or authorization required by any other ordinance, statute or administrative rule.

Sec. 21-12. Appearance tickets.

The director of public safety and the appointed officers of the public safety department, or such officials as are designated by the City manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of Public Acts of 1968, as amended; MCL 764.9c(2). Appearance tickets shall be in such form as determined by the City attorney and shall be in conformity with all statutory requirements.

Sec. 21-13. Civil Infraction.

A person who violates this Chapter is responsible for a civil infraction and subject to a fine of not less than \$100 or more than \$500, per occurrence.

Sec. 21-14. Severability.

Should any section, subsection, sentence, clause, phrase or portion of this chapter be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this chapter.

Chapter 865

Mobile Food Vending

865.01	Intent	865.09	Parking Beyond Limits
865.02	Definitions		Allowed by City Ordinance
865.03	Permit Required		and Order
865.04	Duration; Non-Transferability	865.10	Impoundment
865.05	Application	865.11	Other Permits
865.06	Fees	865.12	Revocation
865.07	Investigation by the Chief	865.13	Complaints; Appeals
	Of Police	865.14	Appearance Tickets
865.08	Requirements	865.15	Civil Infraction

865.01 INTENT.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established. (Ord. 963. Passed 5-6-13)

865.02 DEFINITIONS.

- (a) *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food 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 tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- (b) *Mobile Food Vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean 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.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

(Ord. 963. Passed 5-6-13)

865.03 PERMIT REQUIRED.

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human

consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. (Ord. 963. Passed 5-6-13)

865.04 DURATION; NON-TRANSFERABILITY.

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable. (Ord. 963. Passed 5-6-13)

865.05 APPLICATION.

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city. (Ord. 963. Passed 5-6-13)

865.06 FEES.

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, 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. (Ord. 963. Passed 5-6-13)

865.07 INVESTIGATION BY THE CITY CLERK.

For Mobile Food Vending within residential areas, approval must be given by the City Clerk prior to issuance of a permit by the City Clerk. (Ord. 963. Passed 5-6-13. Ord. 1026. Passed 9-8-15)

865.08 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. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City

ordinances.

7. Comply with all applicable federal, state and county regulations.
8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. On private property within Commercial Area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
10. No Mobile Food Vending Unit may be left unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. This subsection applies to Mobile Food Vending Units operating on city-controlled property only.
11. Not represent the granting of a permit under this Chapter as an endorsement by the city.
12. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

(Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

865.09 PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.

Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter. (Ord. 963. Passed 5-6-13)

865.10 IMPOUNDMENT.

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owner's expense. (Ord. 963. Passed 5-6-13)

865.11 OTHER PERMITS.

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule. (Ord. 963. Passed 5-6-13)

865.12 REVOCATION

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void. (Ord. 963. Passed 5-6-13)

865.13 COMPLAINTS; APPEALS.

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction. (Ord. 963. Passed 5-6-13)

865.14 APPEARANCE TICKETS.

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 963. Passed 5-6-13)

865.15 CIVIL INFRACTION.

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day. Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances. (Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

David Haywood

From: Jonathan Fraser [jon@godbitestruck.com]
Sent: Tuesday, March 15, 2016 3:24 PM
To: David Haywood
Subject: Comments for Tonight

Dear Mr. David Haywood:

If you would, please forward my comments below to the Planning Commission.

Best Regards,

Jonathan Fraser
Owner & Culinary Craftsman
Good Bites

Good Afternoon!

My name is Jonathan Fraser, Owner & Operator of the Good Bites food truck here in Mason. I'm writing to provide comment the the City of Mason Planning Commission on the Food Truck Ordinance draft included in today's packet, as well as some general feedback from the industry. My hope is that in doing this, an ordinance that is a benefit to the City of Mason in every way possible will be crafted with a widened and more informed perspective. In reviewing the draft ordinance I noticed a few areas that stood out and have outlined comments below.

Free Standing Signage and Trash Receptacle

- The free standing sign is a commonly used article by food trucks to give customers opportunity to review the offerings of the truck without forcing them to crowd the sidewalk directly next to the vehicle. I strongly encourage the City to allow free standing signage within reason to encourage an orderly and non-obstructive mode of service for Food Truck customers and pedestrians alike.
- There is currently contradicting language in the draft that requires a trash receptacle [10-74(d)], and also forbids "...other equipment not contained within the vehicle" [10-74(n)].

Hours of Operation

- Hours of operation beginning at 9am would prevent a mobile vendor from offering breakfast during the typical weekday breakfast meal period. I would suggest a starting time of 6am to allow for service times to encompass this meal period. It is also worth noting that allowing food trucks to remain open later than midnight on weekends would allow for a late night snack to be available to a Mason bar-patron as those establishments close for the night.

Residential Areas

- If a Mason resident commissioned a food truck to cater a party at their home, the parked food truck (although not soliciting the public) would in fact be operating in a residential area.
- If it is not intended to forbid this kind of catering service, this language in 10-74(q) might need to be altered.

Self Contained Power Sources

- Having met many other mobile vendors, I can tell you that requiring self-contained power sources would be severely limiting for potential vendors. Most area food trucks operate with a mobile generator that they place directly in front, or in back of their truck/trailer, or have this type of generator mounted to the front or back bumper of the vehicle. If it is the City's intent to be an attractive host to food trucks, it might be worth considering an allowance for a free standing generator that conforms to the City's noise regulations/etc., to be utilized by a vendor.

Proximity restrictions between food trucks

- It is common for food trucks to prefer being together rather than scattered. It could be beneficial to allow the businesses to assess for themselves whether or not they want to operate near each other.

Thank you for hearing my commentary. I look forward to continued progress.

Best Regards,

Jonathan Fraser
Owner & Culinary Craftsman
Good Bites

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Good Bites. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. The recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email. The integrity and security of this message cannot be guaranteed on the Internet. Please contact the sender if you believe you have received this email in error.

David Haywood

From: The Organic Gypsy [info@theorganicgypsy.com]
Sent: Friday, March 18, 2016 9:19 PM
To: David Haywood
Subject: Re: City of Mason Food Truck Ordinance

Hi David,

I'm swamped and can't make your meeting, but thank you so much for including me! In general I would say that breaking even in a food truck is so much more expensive than one might think. The \$500 fee for a license is so large here in kzoos that maybe one truck has it. It is also *extremely* hard to get people from a small town to congregate in any large mass, and support a food truck, food trucks need a mass of people at one time to have efficiency. If you would like to talk more I'm available. Good luck with the meeting! Glad to see progress in this industry!

Thanks! Bridgett

Sent from my iPad

On Mar 18, 2016, at 2:03 PM, David Haywood <davidh@mason.mi.us> wrote:

Hello all,

The City of Mason is in the process of developing an ordinance to regulate mobile food vendors, including food trucks. One of the most critical components of any ordinance is direct input from the people and businesses that an ordinance will affect. We recognize and respect your expertise and experience dealing with regulations that affect your businesses. So, we would like to hear from you.

The City of Mason Planning Commission will be holding a Workshop and Public Forum to discuss and develop a final draft ordinance to regulate mobile food vendors (food trucks) on Tuesday, March 29, 2016 at 6:30 pm. The event will be held in the Second Floor Training Room at City Hall, 201 W. Ash St, Mason, MI 48854. All of you are welcome and encouraged to attend and participate in the discussion.

If you are not able to attend the event, please feel free to call or write to me with suggestions or comments.

Thank you. We look forward to hearing from you.

David E. Haywood, AICP
Zoning & Development Director
City of Mason
201 W. Ash Street
Mason, MI 48854
517.676.9155

City of Mason
Mobile Food Vendor/Food Truck Ordinance
Planning Commission Discussion Notes

March 15, 2016

At the March 15, 2016 meeting, the Planning Commission discussed a draft mobile food vendor/food truck ordinance and made the following comments:

- Define the term “restaurant”
- Reduce the 150 foot separation between vendors – too restrictive
- Be considerate of ADA parking conflicts
- Vendors may add to creation of “destination” and need visibility
- Benefits of having vendors downtown outweighs negative parking issues
- Allow schools (ISD) and non-profits to locate at lower or no fees
- Planning Commission should make recommendations for on-street locations
- Consider the ordinance as a “pilot” with an expiration date
- Vendors may contribute to “placemaking” and economic development
- Seek input from food truck owners/operators
- APA article suggests that separation requirements are not necessary and we should not focus on competition
- Consider allowing a destination parking lot/vendor cluster
- Waive fees/permit requirement for vendors at Council approved events
- Planning Commission should weigh in on all aspects of ordinance and permit process, such as fees and location
- Allow transferability of permit between similar vehicles
- Allow vendors in parks
- Consider availability of public restrooms at nearby public buildings and parks

City of Mason
Food Truck Ordinance – Public Input Forum

February 8, 2016

On February 8, 2016, the City of Mason conducted a public forum where members of the public were invited to share thoughts and discuss the potential of regulating mobile food vendors (food trucks). Approximately 17 members of the public, including staff and elected and appointed officials, participated in the forum. The following is a list of the issues and concerns raised during the forum:

- Allow in the DDA – could be an attraction
- Use the courthouse square as a test area
- Do not permit seating
- Nothing should come off the truck
- No mobile restrooms
- Patrons of food trucks may end up using nearby establishment's restrooms
- Issue seems to be where to permit to park on public property
- Locations to allow:
 - City hall
 - Parks – observe park rules
 - Rotate locations
 - Special events
- Limit the “density” (number of trucks) in a given area
- Limit accessories like tables, chairs, etc.
- Fees should include/cover costs incurred by the City (clean up & set up)
- Permit near courthouse square and available parking
- Require permission from nearby businesses
- Fees should not be too high, but within reason
- Permit near existing utilities to prevent noisy generators

City of Mason
Mobile Food Vendor/Food Truck Ordinance
Input from City Boards and Commissions

Downtown Development Authority, February 3, 2016

Historic District Commission, January 25, 2016

Planning Commission, February 9, 2016

Traffic Commission, January 27, 2016

DESIGNATED SPACE:

- Limit/regulate tables and chairs on the sidewalk
- Require ancillary equipment (propane tanks, trash can, tables, chairs, etc.) be removed when the truck is not on site
- Space designated by square footage
- Cluster on private property

FUEL:

- Propane regulations

CITY UTILITIES:

- Set fee for use of City utilities (electric, water, etc.)

FEES:

- Explore option to require payment in lieu of taxes
- Fees should be minimal, but enough to cover costs
- No double dipping on fees when associated with a festival

GENERAL

- Regulations should be minimal – should not onerous/restrict commerce
- Would like to see other ordinance examples
- Food safety – barrier to entry is lower than brick and mortar restaurants, should require proof of food service license
- Reach out to Ingham County Health Department
- What will be the impact to adjacent businesses within the DDA

LICENSE:

- Limit the total number of permits/licenses issues to six or less

LOCATION:

On-street parking

- Consider impact of obstructing diagonal parking areas
- Disburse trucks fairly - allowing more than one in public ROW
- Balance impact of on-street parking interfering with potential business at nearby brick and mortar businesses

- Set weight limits on streets and/or public parking areas - concern for asphalt
- Down town parking spaces not a permitted location
- Do not permit in residential areas

Parks

- Will this apply to parks? If not, how will they be treated?
- Permitted location. Location to be determined by Parks Department.

Parking lots

- Approved locations (municipal or private).
- Would the designated space used by the food truck affect the businesses required parking spaces set by ordinance?

General

- Require adjacent property sign-off/approval (Non-compete options)
- Where are the desirable locations according to food truck owners

HOURS OF OPERATION:

- Set noise standards for evening hours (generator noise concerns)
- Require cleanliness of area (example - ketchup on sidewalk, -etc.)
- Limit the allowances for set-up and tear down on either end of their permitted time
- Street sweeping and snow removal Set winter / summer hours

PILOT PROGRAM:

- Test ordinance for one year

QUALITY OF LIFE:

- Noise (generator)
- Odor
- Cleanliness

ZONING PRACTICE

SEPTEMBER 2013



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 9

PRACTICE FOOD TRUCKS



Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



Jill Bahm/Clear zoning

➡ One of the hallmarks of the current food truck boom is an increased focus on “in-truck” preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business (www.socalmfva.com). And this fall, Roam—a first-ever industry conference for mobile food

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of September to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Authors

Rodney Arroyo, AICP, is president of Clearzoning, Inc. He holds a Master of City Planning degree from Georgia Tech and has more than 30 years’ expertise in planning and transportation. His experience includes master plans, zoning ordinances, form-based codes, corridor studies, and access management plans. Arroyo also serves as an expert witness in planning and zoning issues, is a national and state planning award winner, and serves as an adjunct professor for Wayne State University’s graduate urban planning program.

Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm’s professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry (www.wsfcongress.com).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn’t really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today’s food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (§30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages “green carts” that offer fresh produce in certain areas of the city and has special regulations for these uses (www.nyc.gov/greencarts).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.** Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (§5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66–74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Herschler

- ➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

community and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). In a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

REFERENCES

- ◆ American Heart Association. 2012. “Mobile Food Vending near Schools Policy Statement.” Available at www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_446658.pdf.
- ◆ Berk, Keith, and Alan Leib. 2012. “Keeping Current: UCC—Food Truck Regulations Drive Controversy.” *Business Law Today*, May. Available at <http://apps.americanbar.org/buslaw/blt/content/2012/05/keepingcurrent.pdf>.
- ◆ Edsall, Larry. 2013. “Food Trucks Inspire Mobile Bookstore,” *Detroit News*, July 11. Available at www.detroitnews.com/article/20130711/AUTO03/307110040/1121/aut006/Food-trucks-inspire-mobile-bookstore.
- ◆ Frommer, Robert, and Bert Gall. 2012. *Food Truck Freedom*. Washington, D.C.: Institute for Justice. Available at www.ij.org/images/pdf_folder/economic_liberty/vending/foodtruckfreedom.pdf.
- ◆ Emergent Research. 2012. “Food Trucks Motor into the Mainstream.” Intuit, December. Available at <http://network.intuit.com/wp-content/uploads/2012/12/Intuit-Food-Trucks-Report.pdf>.
- ◆ Longmont (Colorado), City of. 2011. *Mobile Food Vendors Longmont Municipal Code Amendment*. Planning & Zoning Commission Communication, June 20, 2011. Available at www.ci.longmont.co.us/planning/pz/agendas/2011/documents/final_mobilefoodvendors.pdf.
- ◆ Martinson, Gabrielle. 2013. “In its First Summer, District’s Food Truck is a Success.” *The Journal*, July 16. Available at www.journalmpls.com/news-feed/in-its-first-summer-districts-food-truck-is-a-success.

table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for “Food Vending Group Sites,” defined as “the stationary operation of three (3) or more ‘mobile food vendors’ clustered together on a single private property site, public property site, or within a specific section of public right-of-way” (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

Cover image by Rodney Arroyo; design concept by Lisa Barton

VOL. 30, NO. 9

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). W. Paul Farmer, FAICP, Chief Executive Officer; David Rouse, AICP, Managing Director of Research and Advisory Services.

Zoning Practice (ISSN 1548–0135) is produced at APA. Jim Schwab, AICP, and David Morley, AICP, Editors; Julie Von Bergen, Assistant Editor; Lisa Barton, Design and Production.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

Copyright ©2013 by the American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601–5927. The American Planning Association also has offices at 1030 15th St., NW, Suite 750 West, Washington, DC 20005–1503; www.planning.org.

All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the American Planning Association.

Printed on recycled paper, including 50-70% recycled fiber and 10% postconsumer waste.

ZONING PRACTICE
AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.
Suite 1200
Chicago, IL 60601-5927

1030 15th Street, NW
Suite 750 West
Washington, DC 20005-1503



HOW DOES YOUR COMMUNITY REGULATE FOOD TRUCKS AND OTHER MOBILE VENDORS?

9

Regulating Food Trucks

The Planning Advisory Service (PAS) researchers are pleased to provide you with information from our world-class planning library. This packet represents a typical collection of documents PAS provides in response to research inquiries from our subscribers. For more information about PAS visit www.planning.org/pas.



American Planning Association

Making Great Communities Happen

Copyright © 2015. This Essential Information Packet is compiled and distributed by the American Planning Association's Planning Advisory Service with the written permission of the owner(s) of its content. Reuse of the packet's content requires explicit permission from the individual copyright holder(s).

American Planning Association

205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927

1030 15th St., NW, Suite 750 West, Washington, DC 20005-1503

www.planning.org/pas

ISBN: 978-1-61190-178-8

Articles and Reports *(Packet contains links to 2 additional reports)*

- Arroyo, Rodney and Jill Bahm. 2013. "Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending." *Zoning Practice*, September.

Municipal Guides *(Packet contains 3 additional municipal guides)*

- Denver (Colorado), City and County of. 2012. "Food Truck Guide: A Multi-Department Guide."
- Georgetown (Texas), City of, Planning Department. 2013. "Customer Bulletin # 104 – Mobile Food Establishments." May 17.

Staff Reports *(Packet contains 2 additional staff reports)*

- San Diego (California), City of. 2014. "Amendments to the Municipal Code and Local Coastal Program Related to Food Trucks." Report to the Planning Commission, January 9.

Zoning Standards *(Packet includes 12 additional zoning examples)*

- Aurora (Colorado), City of. 2015. *Ordinance No. 2015-30: A Bill For An Ordinance to Amend Section 146-1254 of the City Code of the City of Aurora, Colorado, Relating to Mobile Food Trucks.*
- Fayetteville (Arkansas), City of. 2015. *Code of Ordinances*. Title XV, Unified Development Code; Chapter 178, Outdoor Vendors; Section 178.05, Food Truck and Food Trailer Limited Time Permits.
- St. Petersburg (Florida), City of. 2015. *Code of Ordinances*. Chapter 16, Land Development Regulations; Section 16.50.440, Vending, Mobile Food Trucks.

Licensing Standards *(Packet includes 11 additional licensing examples)*

- Austin (Texas), City of. 2015. *Code of Ordinances*. Title 10, Public Health Services and Sanitation; Chapter 10-3, Food and Food Handlers; Article 1, General Provisions; Section 10-3-1, Definitions. Article 4, Mobile Food Establishments.
- Evanston (Illinois), City of. 2015. *Code of Ordinances*. Title 8, Health and Sanitation; Chapter 23, Mobile Food Vehicle Vendors.
- Huntsville (Alabama), City of. 2015. *Code of Ordinances*. Chapter 18, Peddlers and Solicitors; Article II, Central City Area; Section 18-36, Sidewalk Cafes, Vendors, and Mobile Food Vendors.
- Portland (Maine), City of. 2015. *Code of Ordinances*. Chapter 19, Peddlers and Solicitors; Section 19-23, Rules Promulgated by City Manager. Also, "City of Portland Food Truck Rules and Regulations."

Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

by admin | Apr 9, 2014 | news, Zoning | 0 comments



Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

Link: [Slides from the APA Conference Presentation by Rod Arroyo](#)

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years. According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude restaurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food-as-entertainment” that are enhanced by programs such as *the Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

standards that specifically relate to vending and the issues that may arise. The net result in many communities, whether intentionally or unintentionally, is a prohibition on mobile food vending.

The Pros and Cons of Mobile Food Vending

Over the past few years, most of the economy has been struggling, and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- ***It provides an opportunity to increase jobs and businesses.*** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-mortar establishment may start at \$300,000, according to research by Intuit for the National Restaurant Association.
- ***It offers opportunities to provide food choices where zoning precludes restaurants.*** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to make vehicular trips to retail and restaurant areas. In addition, some communities may not enjoy a variety of healthy, fresh foods, and may encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).
- ***It can increase activity in struggling business districts by creating a dynamic environment where people gather around the availability of new and fresh food.*** The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food

concerns of the community.

Addressing Areas of Concern Through Zoning

Many communities are updating their codes to accommodate or regulate mobile vending. While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted in one location?
- Are these mobile units just for food, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are customer parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

If food trucks and similar mobile vending activities are a desirable use in a community and regulations are adopted to permit mobile vending, it is important that restrictions and regulations be narrowly tailored so that they do not have the unintended consequence of excluding the use. For example, if a food truck is required to be no closer than 300 feet from a bricks and mortar restaurant, it may effectively exclude the use in most of the downtown core.

For more information, Rod Arroyo and Jill Bahm authored a *Zoning Practice* issue on this topic for the American Planning Association (September 2013 – Vol. 30, No.9). Rod Arroyo will also be speaking on this topic on April 27, 2014 at the National Planning Conference in Atlanta, Georgia.



Contact Us

Toll free 866-271-9663

email: [info \(at\) clearzoning.com](mailto:info@clearzoning.com)

Blogroll

Fisherman's Island Public Open House

More About Clearzoning

Brochure: Clearzoning Consulting Services

Brochure: Clearzoning Product

Video: Clearzoning Ordinance Highlights

Client Testimonials

Recent News

Macomb County Business Awards Announced

Ira Township Adopts New Interactive Zoning Ordinance

Clearzoning, Inc. Welcomes Stephen N. Cassin, AICP

Open House Reveals Differing Perspectives

April Newsletter – Websites and Social Media

Join our Mailing List!

Email*

Name

Job Title

Company

We invite you to join our [Clearzoning](#) mailing list. The primary purpose of our newsletter is to inform and educate our readers regarding current topics and trends related to planning,