

CITY OF MUNISING
MOBILE FOOD VENDING
ORDINANCE #2022-XX

AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD VENDORS

THE CITY OF MUNISING ORDAINS:

Intent. In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Munising, while providing a framework under which such businesses operate, this ordinance is established.

Definitions:

Brick and mortar- restaurant shall mean a business which is on the city's tax rolls and which provides a public seating area, and whose normal business includes the preparation and sale of food and/or beverages.

Food Cart- shall mean a mobile food vending unit propelled by human power alone, which has been specifically designed or used for mobile food vending and in which food or drink is not prepared on the premises.

Mobile Food trailer-shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.

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

Mobile Food Vending – a Food Cart, Mobile Food Trailer, or Mobile Food Vehicle, referred to as a Food Service Establishment in MCL 289.1107(t), PA 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a t-shirt that bears the name of the organization engaged in mobile food vending.

Mobile Food Vendor – shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart, trailer, kiosk, grill or other means of conveyance, then vendor shall mean all individuals operating such single stand, care or other means of conveyance that is designed to be portable and not permanently attached to the ground.

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.

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 private restricted spaces.

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. A permit issued under this ordinance shall not be transferable from person to person. A permit is valid for one vehicle only and shall not be transferred between vehicles. Permits will still be required if the food truck is hired by an organization or business for their use. Permits shall be valid for the calendar year in which they are issued.

The permit application 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 thirty (30) feet in length and ten (10) 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 local Health Departments, a copy shall be displayed in clear site of customers.
6. A photograph of the mobile vending unit.
7. A drawing of the parcel and area that is in compliance with Sketch Plan requirements (*this is the term in the new ZO that resembles a current 604 Site Plan*). In addition, the site plan with shall include the following items:
 - A. Location of mobile vending unit
 - B. Any existing structures or modifications upon the parcel
 - C. Applicable right of way lines (Unit must be at minimum 5 foot away from ROW line)
 - D. Proposed location of all tables, chairs, and trash receptacles.
 - E. Proposed location of any signage or advertisement information
 - F. Two Parking Spots with size and location as required by the Zoning Ordinance

Fees

All vendors receiving a permit under this ordinance shall pay the fee as set from time to time by the City Commission. There shall be no proration of fees. Fees are not refundable once a permit has been issued by the City Clerk.

Regulations

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

1. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within the areas of the City where the permit holder has not been authorized to operate.
2. The customer service area for mobile food vehicles shall be on the side of the truck that faces a lawn, sidewalk, or private property.
3. All mobile food vehicle vendors shall provide a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the preparation 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 street is allowed.
4. Mobile Food Vendors shall comply with the City's Noise Ordinance, Sign Ordinance and all other City Ordinances.
5. Mobile food vehicles shall operate on privately held property within the D, C, T, and LC Districts and not on any public property or street or alley right of way. Only one mobile food vending unit per parcel.
6. A vendor shall not operate a mobile food vehicle within 150 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.
7. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a permit has been obtained to allow for such use.
8. Any power required for the mobile food vehicle shall be self-contained and all utilities ~~shall~~ that are necessary shall be located on the private parcel upon which the permittee is operating. No power or cable equipment shall be extended at or across any City street, alley or sidewalk.
9. Prices must be clear and posted on vendor's location. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck. Vendors shall not use loud music, amplification devices or crying out or other methods to gain attention which causes a disruption or safety hazard.
10. Mobile Vending Units operated under the auspices of a community or charitable organization or in connection with a community or charitable event or activity shall operate for a maximum of three (3) consecutive days.

Other Permits

A permit obtained under this ordinance shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule by the state or county health department.

Revocation

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vendor who ceases to meet any requirement of this Ordinance 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 permit shall be come null and void.

Complaints; Appeals

If a permit is denied or revoked by the Zoning Administrator, the applicant or holder of a permit may appeal to and have a hearing before the Planning Commission. The Zoning Administrator shall make a written determination. If the Zoning Administrators denial or revocation is supported the applicant may appeal the City Administrator’s decision to the Zoning Board of Appeals.

Enforcement

Any permit 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 \$500 per day. Each day of violation shall constitute a separate and distinct offense.

Exemption

Persons under the age of 16 years of age, where all proceeds are retained by the person shall be exempt from the license fee. No adult of business shall hire or subcontract with persons under 16 years of age in an attempt to evade the provisions of this ordinance. Food Trucks may be hired by residents or local businesses to serve private events so long as no cash food sales are made at the event. All other rules need to be followed.

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.

D. MIKE NETTLETON, Mayor

SUE ROBERTS, City Clerk

Date Introduced: _____

Date Adopted: _____

Date Published: _____

Date Effective: _____

Munising City Planning Commission
Minutes
Wednesday, August 24, 2022
301 E. Superior St., Munising, MI 49862
4:00 PM

A. Call to Order Regular Planning Commission Meeting, Roll Call

Members Present: Mike Nettleton, Mike Henricksen, John Hermann, Glenn Marshall, Bill Riordan, Bob Kueber and Wendy Irish

Others Present: Lisa DeLeeuw, Devin Olson, Dave & Betty Edmunds, Don & Leslie Edmunds, Jaymie Depew and Kathy Reynolds.

B. Pledge of Allegiance

The Pledge of Allegiance was recited

C. Brief Public Comments (3 Minute Limit)

No Public Comments

D. Acceptance of the Agenda

John Hermann made a motion to accept the agenda, Mike Nettleton supported the motion, all in favor, motion passed.

E. New Business:

1. Public Hearing for Mobile Food Vending Ordinance

Mike Nettleton made a motion to open the public hearing, Wendy Irish supported the motion, all in favor, motion passed

Public comment was made by Betty Edmunds and Don Edmunds

Wendy Irish made a motion to close the public hearing, Bob Kueber supported the motion, all in favor motion passed

2. Decision on Public Hearing

John Hermann made a motion to pass the Mobile Food Vending Ordinance as is and move it to the City Commission for the ordinance adoption process, Bob Kueber supported the motion, roll call was conducted, 5 yea's 2 nea's motion passed

3. Approval of Minutes Dated August 10, 2022

Mike Nettleton made a motion to approve the minutes as is, Bob Kueber supported the motion, all in favor, motion passed

F. Discussion on Housing Needs

Wendy Irish on MEDC housing needs

G. Old Business

No old business

H. City Managers Report

Devin Olson, stated that the DDA Project is going well, Concrete being poured, H58 Project is completed, MDOT & Contractors going back with some quality issues. Finalized all our agreements with base hospitality group for the extension of the water system into Munising Township, we have our revised franchise agreement in place, that connection was made this afternoon.

I. Zoning Administrators Report

In writing, see attached

J. Round Table

Mike Henricksen on zoning enforcement

K. Brief Public Comments (3 Minute Limit)

No public comment

L. Adjournment

John Hermann made a motion to adjourn at 4:33pm Glenn Marshall supported the motion, all in favor motion passed.