

CITY OF ISHPEMING, MICHIGAN

ORDINANCE NO. 3-1300

AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD VENDORS

THE CITY OF ISHPEMING ORDAINS:

SECTION 1.

This ordinance may be referred to as the city of Ishpeming Mobile Food Vendor Ordinance.

SECTION 2.

DEFINITIONS:

A. Mobile Food Vehicle shall mean **any motorized or non-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.

B. Mobile Food Vendor shall mean the registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as vendor.

SECTION 3.

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 a license from the City Clerk for that purpose. All licenses shall be prominently displayed on the Mobile Food Vehicle. No vending through a Mobile Food Vehicle shall be permitted unless it meets the definition of a Mobile Food Vehicle as defined by this ordinance.

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, e-mail 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 Marquette County Health Department;

6. Insurance Coverage:

a. Proof of General Comprehensive Commercial Liability policy with limits of no less than \$1 million per occurrence and \$2 million general aggregate issued by an insurer licensed to do business in this state and which names the City as an additional insured;

b. The following language shall be added to the vendor's liability policy:
"It is understood and agreed that the following shall be an Additional Insured: The City of Ishpeming, including all elected and appointed officials, all employees and volunteers. It is understood and agreed that by naming the City of Ishpeming as an additional insured, coverage afforded is considered to be primary and any other insurance the City of Ishpeming may have in effect shall be considered secondary and/or excess."

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 forth from time to time by the City Council.

D. The City Clerk shall issue the license which shall not be transferable and which license shall be issued for the calendar year commencing on January 1 and expiring on December 31.

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

SECTION 4.

FEES:

An Application for a license 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 license 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 ordinance.

SECTION 5.

INVESTIGATION BY CHIEF OF POLICE:

For operation of a mobile food vehicle within residential areas, approval must be given by the Chief of Police prior to issuance of a license by the City Clerk.

SECTION 6.

REGULATIONS:

All mobile food vendors shall comply with the following requirements:

- 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 the 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 except when parked on private property or on public property if the tables and chairs are located on private property.
- 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. No loud music, other high-decibel sounds, horns or amplified announcements are allowed.
- f. Signage is allowed when placed on mobile food vehicles and free-standing signs are permitted provided they are less than 10 square feet and placed within 10 feet of the vehicle and do not block pedestrian traffic.

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; however, a special use permit shall not be required for a one-time parking on private property.

m. No mobile food vehicle shall use external signage, 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 7.

ENFORCEMENT:

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 responsible for a civil infraction and subject to a civil fine of \$500 per day.

SECTION 8.

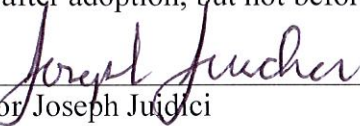
REVOCAATION:

The City Clerk shall revoke the license or permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this Ordinance or violates any other federal, state or local regulations, 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 license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void.

SECTION 9.

EFFECTIVE DATE:

Pursuant to Article IV, Section 4.9 (f) of the City Charter, this ordinance shall take effect ten (10) days after adoption, but not before publication.



Mayor Joseph Giudici



City Clerk Tammie Leece

ADOPTED: July 12, 2017

CITY OF ISHPEMING

MOBILE FOOD VENDING LICENSE APPLICATION

Annual fee set forth by resolution of the Ishpeming City Council.

City-controlled property available for vending set forth by resolution of the Ishpeming City Council.

Applicant Name: _____

Applicant Address: _____

Phone Number: _____ DOB: _____

E-Mail Address: _____

Name of Business: _____

Food Products Offered for Sale: _____

Description of Food Preparation Methods: _____

Description of Vending Unit (Include Size): _____

Proposed Hours of Operation: _____

Intended Areas of Operation: _____

Plans for Electrical Access, Wastewater and Trash Disposal: _____

Does applicant own a brick-and-mortar restaurant in the City: Yes No

If Yes, what is the name of the brick-and-mortar establishment? _____

Applicant must include copies of all applicable license and/or permits issued by the Marquette County Health Department, as well as proof of comprehensive liability insurance, with a limit of at least Two Million (\$2 million) combined coverage, and which names the City of Ishpeming as an additional insured.

APPLICANT SIGNATURE

DATE

This section for office use only.

POLICE CHIEF _____

DATE _____

Approved

Denied

CITY TREASURER _____

DATE _____

Approved

Denied

FIRE CHIEF _____

DATE _____

Approved

Denied

Resolution #9-2017
RESOLUTION ESTABLISHING FEES FOR MOBILE FOOD VENDORS

WHEREAS requests are made to the office of the City Clerk requiring staff time to prepare licenses, assemble information, meet and discuss requests and to prepare follow-up reports and correspondence;

WHEREAS The City Council believe that it is important that the actual costs associated with these services are not subsidized by the general taxpayer;

NOW THEREFORE BE IT RESOLVED that the fees for the Mobile Food Vendor License be established as follows:

Fee Schedule:

Fee is non-refundable once a license has been issued by the City Clerk; licenses are valid for the timeframe January 1 through December 31 of the following year.

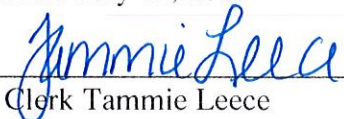
\$100.00 If vending on City and/or private property. (Not to include a business which is on the City's tax rolls whose normal business includes the sale of food and/or beverages).

Duly adopted by the City Council on July 12, 2017.



Mayor Joseph Juidici

Certified: July 12, 2017



City Clerk Tammie Leece

RESOLUTION #10-2017

ESTABLISHING OPERATING LOCATIONS FOR MOBILE FOOD VENDORS

WHEREAS the City of Ishpeming desires to encourage mobile food vendors who add to the desirability of Ishpeming while providing a framework under which such businesses operate; and

WHEREAS the City of Ishpeming may establish by resolution hours of operating and may identify City-controlled property for permissible Mobile Food Vending;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Ishpeming that Mobile Food Vending Units may only operate within residentially zoned areas between the hours of 9 a.m. and 9 p.m. and in commercially zoned areas between the hours of 7 a.m. and midnight unless otherwise stipulated below or in conjunction with a special event application. In accordance with Ordinance #3-1300 of the City of Ishpeming, mobile food vendors are authorized to operate at the following City-owned properties:

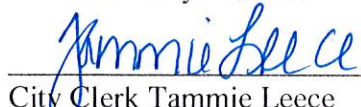
1. Public parking lots;
2. Lake Bancroft Park during official park operating hours.
3. Al Quaal in conjunction with a special event permit only.
4. Specific street to be identified only if a road closure and/or with a special event application.
5. Main Street only as part of a special event permit.

Duly adopted by the City Council on July 12, 2017.



Mayor Joseph Juidici

Certified: July 12, 2017



City Clerk Tammie Leece