

**ORDINANCE #384
MOBILE FOOD VEHICLES**

Adopted: 04/13/21

Effective: 04/22/21

This ordinance applies to mobile food vehicles engaged in the business of cooking, preparing, and distributing food or beverages with or without charge upon or in public and private restricted spaces.

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1: Scope

This ordinance does not apply to a religious, charitable, or non-profit organization of which supplies food or beverages without charge. This ordinance does not apply to food vending pushcarts and stands lawfully located on sidewalks.

Section 2: License required

- A. It shall be unlawful for any person to operate within the Township a mobile food vehicle without having obtained from the Township 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 Township Clerk. The application for a license shall be on forms provided by the Township 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 of food product offered for sale, including the intended menu.
 - 3. Information on the mobile food vehicle, including the 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 operation, plans for power access, water supply and wastewater disposal.
 - 5. Submittal of a site drawing on public and private property, which will be approved by the Township Building Official. The site drawing should indicate relevant details and location of the food truck and name(s) of abutting street; area of occupancy of the food truck on the parcel (square feet/dimensions); driveways providing ingress and egress.
 - 6. Copies of all necessary licenses or permits required by the Bay County Health Department.

7. Insurance coverage:

- a. Proof of general comprehensive liability insurance with limits no less than \$1,000,000 combined single limit coverage issued by an insurer licensed to do business in this state and which names the Township as an additional insured.
 - b. Proof of a public liability and property damage motor vehicle policy with limits of no less than \$1,000,000 issued by an insurer licensed to do business in this state.
- C. The fees for a license required under this ordinance shall be those fees adopted by a resolution and on file with the Township Clerk.
- D. Each mobile food vehicle license shall expire on December 31 of each year.
- E. A license issued under this ordinance shall not be transferrable from person to person and shall not be transferred between vehicles.
- F. All licenses shall be prominently displayed on the mobile food vehicle.

Section 3: Regulations

- A. Mobile food vehicles are permitted in all nonresidential zoning districts established in the Township's Zoning Ordinance.
- B. Mobile food vehicles are permitted on individual lots occupied for residential uses in residential zoning districts.
- C. The customer service area for mobile food vehicles shall be on the side of the vehicle that faces a curb, lawn or sidewalk when parked. No food service shall be provided in the driving-lane side of the vehicle. No food shall be prepared, sold, or displayed outside of the mobile food vehicle.
- D. 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.
- E. 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 by the vendor, and no dumping of gray water on the streets is allowed. Vendors shall not dispose of waste, trash, or garbage into public containers.
- F. 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 Bay County noise ordinance,

including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

- G. Signage is only allowed when placed on mobile food vehicles. No separate freestanding signs are permitted.
- H. 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 800 lumens shall contain opaque hood shields to direct illumination downward.
- I. 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.
- J. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be impounded.
- 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 Township unless the vendor has obtained permission from the event sponsor and obtained a mobile food vehicle license from the Township.
- 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. 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 seven 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 right-of-way shall be self-contained. 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 Township street, alley, or sidewalk.
- O. Mobile food vehicles shall not be parked adjacent to an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business without written approval from such owners and submitted to the Township Clerk.

Section 4. Hours of operation.

Mobile food vehicles may operate between the hours of 7 a.m. and 11:30 p.m. Other restrictions regarding hours of operation may be established by resolution of the Township Board. No mobile

food vehicle may be left unattended for more than two hours and any mobile food vehicle not in operation shall be removed between the hours of 11:30 p.m. and 7:00 a.m.in residential areas.

Section 5. Enforcement.

Once a license has been issued, it may be revoked, suspended, or not renewed by the Township Clerk for failure to comply with the provisions of this article and any rules and regulations promulgated by the Township. The holder of a license shall have the right to appeal a revocation, suspension, or non-renewal of a license to the Township Supervisor within 10 days after receiving notice of such revocation, suspension or non-renewal. All appeals shall be made in writing and filed with the Township Supervisor stating that an appeal from the decision of the Township Board is desired.

Section 6.

This ordinance shall become effective immediately after the last required publication following adoption.

The above Ordinance was adopted at a regular meeting of the Township Board on the 13th day of April, 2021 and shall be published in the Valley Farmer on or before the 22nd day of April, 2021.