

CITY OF AUBURN

FOOD TRUCK
ORDINANCE #??

AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD VEHICLE VENDORS

THE CITY OF AUBURN ORDAINS:

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

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 the ordinance may temporarily park upon a public street or 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 – 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 t-shirt that bears the name of the organization engaged in mobile food vending.

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, cart or other means of conveyance that is designed to be portable and not permanently attached to the ground on a public street, highway, or public parking place.

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 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.

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.

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. Insurance Coverage:
 - a) Proof of General Comprehensive Liability policy with limits of no less than ***\$1 million*** Combined Single Limit Coverage issued by an insurer licensed to do business in the State of Michigan and which names the City as an additional injured.
 - 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 the State of Michigan.

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. The City Commission shall by resolution identify those streets and public areas where parking by mobile food vehicles is permitted.
2. 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 shall be prepared, sold, or displayed outside of mobile food vehicles.
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 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. Not set up or locate in a place that blocks or impedes wheelchair or handicapped access or travel on sidewalks.
6. 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 or towed.
7. 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.
8. 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. Not utilize any electricity or power without prior written authorization of power customer.
9. Any power required for the mobile food vehicle located on public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. All power sources must be self-contained. No power or cable equipment shall be extended at or across any City street, alley or sidewalk.
10. 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.
11. A food vendor shall not locate no closer than 150 feet from any businesses that sell the same food product as the mobile food vendor without the prior written permission of the local business.
12. A mobile food vendor may only operate the follow hours:
9:00 AM – 9:00 PM in residential areas
7:00 AM – 11:00 PM in commercial areas

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 board.

Revocation

The City Clerk shall revoke the 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 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 City Clerk, the applicant or holder of a permit may appeal to and have a hearing before the City Administrator. The City Administrator shall make a written determination. If the City Administrator's denial or revocation is supported the applicant may appeal the City Administrator's decision to City Commission.

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.

Effective Date

Pursuant to the City Charter, this ordinance shall take effect from and after 20 days from publication.

Lee O. Kilbourn
Mayor

Bryna Mieske
City Clerk