

CHARTER TOWNSHIP OF MONROE

ORDINANCE NO. 150

ADOPTED: 3-21-2023

EFFECTIVE: IMMEDIATELY AFTER PUBLICATION AFTER ADOPTION

MOBILE FOOD VENDORS ORDINANCE

THE CHARTER TOWNSHIP OF MONROE

MONROE COUNTY, MICHIGAN

ORDAINS:

**REPEAL OF ORDINANCE 144 AND THE ADOPTION OF ORDINANCE NUMBER 150
TO THE CHARTER TOWNSHIP OF MONROE CODE OF ORDINANCES**

WHEREAS, mobile food vending is a popular and diverse part of local economies across the United States;

WHEREAS, the Charter Township of Monroe desires to support economic development, foster opportunities for small businesses and encourage mobile food vending;

WHEREAS, the Charter Township of Monroe seeks to increase consumer access to desired local foods;

WHEREAS, the Charter Township of Monroe aspires to simplify food vending regulations;

WHEREAS, the Charter Township of Monroe seeks to protect public health and safety by ensuring mobile food vendors follow clear, narrowly tailored regulations that address demonstratable health and safety risks;

WHEREAS, the Charter Township of Monroe desires to repeal Ordinance 144 and replace it with this Ordinance in order to further the objectives listed herein.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CHARTER TOWNSHIP OF MONROE THAT THE CHARTER TOWNSHIP OF MONROE CODE OF ORDINANCES

IS HEREBY AMENDED TO (1) REPEAL ORDINANCE NUMBER 144; AND (2) ADD ORDINANCE NUMBER 150 AS FOLLOWS:

Ordinance Number 150 - Mobile Food Vendors – Food Trucks/Trailers, Food Stands, Hot Dog Carts, STFU (Special Transitory Food Unit), Ice Cream Trucks, or similar.

Mobile Food Vendors shall conform and be subject to the following.

Section 1: DEFINITIONS.

The following words and phrases shall have the following definitions when used in this section.

Mobile Food Vending: Vending, serving, or offering for sale food or beverages from a mobile food vending unit that 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 or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant, or organization engaged in mobile food vending.

Mobile Food Vending Unit: 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.

Mobile Food Vendor: Any individual, company, restaurant, or organization engaged in the business of mobile food vending for immediate service and/or consumption.

Operate/Operates: Engaging in activities associated with the conduct of Mobile Food Vending, including setup and takedown and/or hours of operation and locations where the Mobile Food Vending Units are allowed to be open for business.

Section 2: MOBILE FOOD VENDING LICENSE REQUIRED.

No Mobile Food Vendor shall engage in Mobile Food Vending without a Mobile Food Vending License from the Charter Township of Monroe Clerk. The Charter Township of Monroe Clerk shall prescribe the form of such license and application for such license. The Mobile Food Vending Licenses shall be prominently displayed on the Mobile Food Vending Unit and are subject to the following:

1. A Food Vending License will be issued only to those applicants meeting the definition of Mobile Food Vending.
2. A Food Vending License contingent upon the Mobile Food Vendor obtaining any other licenses or permits that may be required by other applicable state or county law.
3. Each Mobile Food Vending Unit requires a separate and unique Mobile Food Vendor License.

Section 3: DURATION OF MOBILE FOOD VENDING LICENSE; NONTRANSFERABILITY.

A Mobile Food Vending License issued by the Charter Township of Monroe Clerk shall be valid only for the term for which it is issued and for the Mobile Food Vending Unit identified on the Mobile Food Vending License. Any Mobile Food Vending License issued under this ordinance is nontransferable.

Section 4: APPLICATION.

Every Mobile Food Vendor desiring to engage in Mobile Food Vending shall submit a completed application to the Township of Monroe Clerk at least fourteen (14) days before the proposed effective date of the Mobile Food Vending License under this ordinance. The applicant shall truthfully state, in full, all information requested by the Charter Township of Monroe Clerk and be accompanied by a fee established by the adoption of this ordinance. Additionally, the applicant shall provide all documentation, as required by the Charter Township of Monroe as follows.

1. The Business' name, the applicant's name, home address, cell phone number, email address, and Driver's License Number of all potential drivers with a copy of Driver's License attached.
2. The type and size of the Mobile Food Vending Unit with photographs of the Mobile Food Vending Unit and photographs of the venting hood system in place.
3. Proposed dates and hours of operation of each Mobile Food Vending Unit at the identified location. Hours are limited as follows:
 - a. In residential areas: 9:00 a.m. and 9:00 p.m. or
 - b. In commercial areas: 7:00 a.m. and 11:00 p.m.
 - c. Other restrictions regarding hours of operation may be established by resolution of the Charter Township of Monroe Board of Trustees.
4. A detailed written description of the menu items to be sold, and whether it is cooked off-site or cooked on-site.
5. A copy of the Monroe County Health Department License for annual licensing or a copy of the proof of application to the Monroe County Health Department for temporary licensing, as determined by the Monroe County Health Department.
6. Proof of Insurance showing the Charter Township of Monroe as an additional insured in the amount of \$500,000.

Section 5: FEES.

The following fees will be assessed by the Charter Township of Monroe for each application for a

1. If the Mobile Food Vending Unit is an ice cream truck:
 - A. Application fee - \$50.00, provided that Charter Township of Monroe business owners are exempt from this application fee;
 - B. Permit fee - \$50.00, which is valid for the calendar year in which permit is issued.
2. If the Mobile Food Vending Unit is not an ice cream truck:
 - A. Application fee - \$100.00, provided that Charter Township of Monroe business owners are exempt from this application fee;
 - B. Permit fee -
 - i. Temporary: Valid for up to 1 - 3 days, including weekends: \$50.00
 - ii. Annual: Valid for calendar year in which permit is issued: \$225.00

Application Fees are non-refundable. Permit Fees are nonrefundable once a permit has been issued by the Township Clerk's office.

Section 6: SEPARATE SPECIAL EVENT PERMIT REQUIRED.

If Mobile Food Vending Unit is the only outdoor use proposed, a separate special event permit is not required. If there will be other outdoor uses for the temporary gathering of people (e.g. carnival, pet adoption event, bounce house, inflatables, non-food retail, flea market, music, street fair, block party, or similar), the applicant, the lessee, or the property owner is required to obtain a separate special event permit for the other outdoor uses, separate from the licensing requirements of this ordinance, unless vending from the Monroe County Fairgrounds.

Section 7: REQUIREMENTS.

Any Mobile Food Vendor Operating with a Mobile Food Vendor License shall comply with the following requirements:

1. The Mobile Food Vending Unit must be physically inspected and approved by the Township Fire Inspector prior to the issuance of permit. The applicant shall contact the Township Fire

Inspector for the required physical inspection after making application to the Township Clerk's office.

2. The provision of adequate waste receptacles at the site of the Mobile Food Vendor Unit and remove all litter, debris and other waste at and near the location of the Mobile Food Vendor Unit on a daily basis.

3. Flashing, blinking, or strobe lights are prohibited; exterior lights over 60 watts on the Mobile Food Vendor Unit or installed by the Mobile Food Vendor shall contain opaque, hood shields to direct the illumination downward.

4. Loud music, amplification devices, "crying out" or any other audible methods to gain attention that causes a nuisance, disruption or safety hazard, as such is determined by the Charter Township of Monroe, is prohibited.

5. Comply with the Charter Township of Monroe's Nuisance Ordinance and all other Charter Township of Monroe ordinances.

6. Comply with all applicable federal, state and county regulations.

7. Comply with the hours and dates provided on the Mobile Food Vendor License.

8. A Mobile Food Vending Unit may not be left unattended for more than two hours.

9. A Mobile Food Vending Unit must be removed from the approved location when not in operation for more than 2 hours or between the hours of 11:00 p.m. – 7:00 a.m. in commercial areas and 9:00 p.m. – 9:00 a.m. in residential areas.

10. An inspection from the Township Fire Inspector, Township Building Official, Code Enforcement Officer or any of its agents may occur at any time without prior notice.

Section 8. COMPLAINTS; APPEALS; REVOCATION OR SUSPENSION OF LICENSE.

1. If a written complaint is filed with the Charter Township of Monroe Clerk alleging that the Mobile Food Vendor has violated the provisions of this ordinance, the Charter Township of Monroe Clerk shall promptly send a copy of the written complaint to the Mobile Food Vendor together with a notice that an investigation will be made by the Charter Township of Monroe Clerk, with the assistance of other Charter Township of Monroe departments as required, as to the truth of the complaint. The Mobile Food Vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Charter Township of Monroe Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified as valid.

2. The Charter Township of Monroe Clerk may revoke or suspend the license of any Mobile Food Vendor who (a) fails to comply with any requirement of this ordinance; (b) makes a false statement

on their license application; or (c) operates in a manner that is adverse to the protection of the public health, safety and welfare. Any revocation shall have immediate effect or remain in effect unless and until reversed on an appeal.

3. Immediately upon such revocation, the Charter Township of Monroe 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.

4. If a license is denied, revoked, or suspended by the Charter Township of Monroe Clerk, the applicant may appeal to the Charter Township of Monroe Board of Trustees in writing within thirty (30) days of the license denial, revocation, or suspension. The Charter Township of Monroe Board of Trustees shall decide, after reviewing evidence related to the appeal, as to whether the denial, revocation or complaint is valid. If the Charter Township of Monroe Board of Trustees determines that the denial, revocation, or suspension is valid as supported by a preponderance of the evidence, the action of the Charter Township of Monroe Clerk shall be sustained.

Section 9: EFFECTIVE DATE AND REPEAL.

This ordinance shall become effective immediately after publication after adoption. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

This ordinance was enacted at a Regular Meeting of the Charter Township of Monroe Board of Trustees, held on the 21st day of March, 2023, 7 Board Members being present and 7 voting in favor thereof.



Christina Smith – Clerk
Charter Township of Monroe

Attested:



Alan Barron- Supervisor
Charter Township of Monroe