

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. O-23-731**

**AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE V, FOOD SERVICE ESTABLISHMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTIONS 22-126, 22-127, 22-128, AND 22-129 THEREOF**

**THE CITY OF OAK PARK, MICHIGAN ORDAINS:**

**SECTION 1.** Chapter 22, Businesses, Article V. Food Service Establishments, Sections 22-126 through 22-129, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

Article V. Food Service Establishments

**Sec. 22-126. License required.**

As used in this article:

***Mobile Food Vending*** shall mean vending, serving, or offering for sale, food, beverages, and/or Related merchandise 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 tee shirts that bears the name of the organization engaged in Mobile Food Vending, or other, similar merchandise.

***Mobile Food Vending Unit*** shall mean any motorized or non-motorized car, trailer Vehicle, or other device designed to be portable and not permanently attached to the ground from which food, beverages, and/or related merchandise is vended, served, or offered for sale.

***Operate*** shall mean all activities associated with the conduct of business, including set up and take down as well as actual hours when the mobile vending unit is open for business.

***Special Event*** shall mean any event operated on City property or the public rights-of-way, pursuant to an authorizing resolution of the City Council.

No person shall operate a food service establishment, mobile food vending or mobile food vending unit, temporary food service establishment, or food market in the city without first having obtained a license as issued in accordance with article II of this chapter. Such license shall not be issued-unless the applicant has complied with all the requirements of this article. The license shall be posted in full public view in the premises at all times. The operator must prominently post the business name on the exterior of the stand. The vendor shall follow all local, state and federal laws, rules and regulations in their operation of the mobile vending unit. A license obtained under this Article shall not relieve the operator of the responsibility of obtaining any other license or authorization required by other ordinance, statute, or administrative rule, including, but not limited to, the Notification of Intent to Operate with Oakland County.

## **Sec. 22-127. Mobile Food Vending and Mobile Food Vending units.**

### **a) License Categories.**

Individual – This license category is for one vendor operating one (1) Mobile Food Vending Unit.

Event/Festival – This license category is for a Special Event that will have multiple Mobile Food Vending Units on site for a designated time frame in association with an approved Special Event in the City of Oak Park.

### **b) Locations.**

1. Appropriate locations for mobile food vending units shall be limited to the areas as stated in a Resolution of Council or private property with a written agreement signed by the property owner. The use of other public areas, including on-street parking, is prohibited without written permission from the city without exception.
2. Mobile food vending units may not be parked and shall not operate within 200 feet (measured to property boundary) of any restaurant when such a restaurant is open to the public for business unless written permission has been acquired from all restaurants within the radius. This does not apply to mobile food vending units approved through the site plan process.
3. Mobile food vending units are not permitted within 1,000 feet (measured to property boundary) of any fair, festival, special event, or civic event, or other event with City approved special event status unless written permission from the event coordinator is obtained.
4. The issuance of a mobile food vending unit license does not grant or entitle the vendor to the exclusive use of any service route or space.
5. Events, parties, or other activities on private property that require catering or a food truck on site are exempt from this requirement if food is not served to the general public and is limited to the event on private property.

### **c) Hours of Operation.**

1. Mobile food vending units shall be permitted to operate on public property between 9:00 a.m. and 9:00 p.m. If additional hours are requested, they must be specifically authorized by the City as part of an event or festival. Mobile food vending units may only operate within residential zoned areas between the hours of 9:00 a.m. and 9:00 p.m. and in commercially zoned areas between the hours of 7:00 a.m. and 11:00 p.m.
2. A mobile food vending unit shall not be parked overnight on public property or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded. Mobile food vending units parked on public property as part of a city approved Special Event or Festival are allowed to park overnight with permission from the Event/Festival organizer.
3. Mobile food vending units shall be licensed to operate on private property during the hours of operation of the primary use business and shall not operate as an accessory use before or after the primary use business is open for business. The private property owner may dictate mobile vending operations less than their business hours.

d. Regulations

1. No person shall operate a mobile unit within the city without first having secured a license from the city clerk that shall be prominently displayed for inspection. The Special Transitory Food Unit (STFU) license shall also be prominently displayed on any vehicle or stand subject to this Article.
2. No license shall be issued without a Special Transitory Food Unit (STFU) license issued by a local health department. A copy of any special conditions attached to the licensure of a mobile unit, must be carried in the vehicle at all times. Such special conditions may include restrictions pertaining to types of food, food preparation routines, utensil cleaning and sanitizing procedures or any other procedures which are deemed conditional by the appropriate health agency.
3. Since the commissary is considered to be an essential part of the mobile unit's operation, approval of the commissary is required before a mobile unit will be licensed. All facilities and operations of commissaries must be in compliance with requirements for food service establishments.
4. If a mobile unit is operating in a manner which demands additional safeguards to protect the public health, the appropriate health agency shall impose reasonable requirements as deemed necessary to fulfill the spirit of this article before license approval.
5. Waste management. All mobile food business 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.
6. No mobile food vending unit shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City noise ordinance, including generators. No loud music, other high-decibel sounds, horns, "crying out" or any other audible methods to gain attention are permitted.
7. Signage is permitted when placed on mobile food units, so long as it does not extend above or beyond the mobile vending unit itself. One free-standing temporary sign of no more than six (6) square feet is permitted but the signage must be located entirely within 20 feet of the mobile vending unit. The vendor will secure permission from property owner prior to displaying sign. The vendor must otherwise follow the City's sign ordinance, including sandwich board signs.
8. No flashing or blinking lights, or strobe lights, are allowed on mobile food vending units or related signage at any time. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
9. Awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning.
10. Service window location. Food and beverage service shall be conducted from 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 actively prepared, sold, or displayed outside of a mobile food business.
11. Dining area. No mobile food business vendor shall provide or allow any dining area within 10 feet of the mobile food business, including but not limited to tables and

chairs, booths, stools, benches or stand-up counters or within the public right-of-way, including but not limited to sidewalks.

12. Any power required for the mobile food vending unit shall be self-contained, and a mobile food vending unit shall not use utilities drawn from the public right-of-way. Mobile food vending units on private property may use electrical power drawn from the property being occupied or an adjacent property, but only if the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any city street, alley, or sidewalk.
13. The vendor shall not represent the granting of a license under this article to be in any way an endorsement by the City.

#### **Sec. 22-128. Revocation; Complaints; Appeals.**

The City Manager, Director of Municipal Services or his/her designee shall revoke the license of any operator who ceases to meet any requirement of this Chapter 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 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.

If a written complaint is filed with the City Clerk alleging a food operator has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the operator together with a notice that an investigation will be made as to the truth of the complaint. The operator shall be invited to respond to the complaint and present evidence and respond to evidence produced during the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint is supported by a preponderance of the evidence, the City Clerk shall certify the complaint.

If a license is denied or revoked by the City Manager or Department of Municipal Services, the applicant or holder of a license may appeal and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant or licensee and the City Clerk as to whether or not the grounds for denial, revocation or complaint are valid. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or filing of the complaint shall be sustained. The applicant or licensee may then appeal the City Manager's decision to a court of competent jurisdiction.

#### **Sec. 22-129. Civil Infraction.**

An operator who violates this chapter is responsible for a civil infraction and subject to a fine of \$500.00 per day. Provided, however, that the fine for parking violations shall be those as outlined in Chapter 3 of these codified ordinances.

#### **SECTION 2. Severability**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such

invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

**SECTION 3. Effective Date**

This ordinance shall be effective thirty (10) days from the date of adoption and shall be published as required by the Charter of the City of Oak Park.

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park, on this 7th day of August 2023.

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**T. EDWIN NORRIS**  
City Clerk

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**MARIAN McCLELLAN**  
Mayor

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on August 7, 2023.

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**T. EDWIN NORRIS, City Clerk**

First Reading:	July 17, 2023
Second Reading:	August 7, 2023
Adopted:	August 7, 2023
Published	August 13, 2023

## **ARTICLE V. FOOD SERVICE ESTABLISHMENTS**

### **Sec. 22-126. License required.**

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**Mobile Food Vending** shall mean vending, serving, or offering for sale, food, beverages, and/or Related merchandise 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 tee shirts that bears the name of the organization engaged in Mobile Food Vending, or other, similar merchandise.

**Mobile Food Vending Unit** shall mean any motorized or non-motorized car, vehicle, or other device designed to be portable and not permanently attached to the ground from which food, beverages, and/or related merchandise is vended, served, or offered for sale. **Operate** shall mean all activities associated with the conduct of business, including set up and take down as well as actual hours where the mobile vending unit is open for business. **Special Event** shall mean any event operated on City property or the public rights-of-way, pursuant to an authorizing resolution of the City Council.

No person shall operate a food service establishment, mobile food vending or mobile food vending unit, temporary food service establishment, or food market in the city without first having obtained a license as issued in accordance with article II of this chapter. Such license shall not be issued without the certification of the health officer that ~~unless~~ the applicant has complied with all the requirements of this article. The license shall be posted in full public view in the premises at all times. The operator must prominently post his ~~the business~~ name, address and phone number on the exterior of the stand. ~~The vendor shall follow all local, state and federal laws, rules and regulations in their operation of the mobile vending unit. A license obtained under this Article shall not relieve the operator of the responsibility of obtaining any other license or authorization required by other ordinance, statute or administrative rule, including, but not limited to, the Notification of Intent to Operate with Oakland County.~~

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1. Appropriate locations for mobile food vending units shall be limited to the areas as stated in a Resolution of Council or private property with a written agreement signed by the property owner. The use of other public areas, including on-street parking, is prohibited without written permission from the City without exception.
2. Mobile food vending units may not be parked and shall not operate within 200 feet (measured to property boundary) of any restaurant when such a restaurant is open to the public for business, unless written permission has been acquired from all restaurants within the radius. This does not apply to mobile food vending units approved through the site plan process.
3. Mobile food vending units are not permitted within 1,000 feet (measured to property boundary) of any fair, festival, special event, or civic event, or other event with City approved special event status unless written permission from the event coordinator is obtained.
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2. No license shall be issued without a Special Transitory Food Unit (STFU) license issued by a local health department. A copy of any special conditions attached to the licensure of a mobile unit, must be carried in the vehicle at all times. Such special conditions may include restrictions pertaining to types of food, food preparation routines, utensil cleaning and sanitizing procedures or any other procedures which are deemed conditional by the appropriate health agency.
  3. Since the commissary is considered to be an essential part of the mobile unit's operation, approval of the commissary is required before a mobile unit will be licensed. All facilities and operations of commissaries must be in compliance with requirements for food service establishments.
  4. If a mobile unit is operating in a manner which demands additional safeguards to protect the public health, the appropriate health agency shall impose reasonable requirements as deemed necessary to fulfill the spirit of this article before license approval.
  5. Waste management. All mobile food business 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.
  6. No mobile food vending unit shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City noise ordinance, including generators. No loud music, other high-decibel sounds, horns, "crying out" or any other audible methods to gain attention are permitted.
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  11. Dining area. No mobile food business vendor shall provide or allow any dining area within 10 feet of the mobile food business, including but not limited to tables and chairs, booths, stools, benches or stand-up counters or within the public right-of-way, including but not limited to sidewalks.
  12. Any power required for the mobile food vending unit shall be self-contained, and a mobile food vending unit shall not use utilities drawn from the public right-of-way.

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Mobile food vending units on private property may use electrical power drawn from the property being occupied or an adjacent property, but only if the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any City street, alley, or sidewalk.

13. The vendor shall not represent the granting of a license under this article to be in any way an endorsement by the City.

### **~~Sec. 22-128. Food vendor.~~**

~~No person shall engage in the business known as food vendor without first having obtained a license therefor. No such license shall be issued except upon certification of the director of public safety. Every applicant for a food vendor's license shall furnish the city clerk two recent personal identification photographs of passport type and size, one of which shall be retained by the clerk and the other attached to, and made a part of the food vendor's license to the applicant. Food vendors must also comply with all the requirements of a Mobile Unit.~~

~~(Code 1973, § 19-4)~~

Sec. 22-128. Revocation; Complaints; Appeals. The City Manager, Director of Municipal Services or his/her designee shall revoke the license of any operator who ceases to meet any requirement of this Chapter 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 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.

If a written complaint is filed with the City Clerk alleging a food operator has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the operator together with a notice that an investigation will be made as to the truth of the complaint. The operator shall be invited to respond to the complaint and present evidence and respond to evidence produced during the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint is supported by a preponderance of the evidence, the City Clerk shall certify the complaint.

If a license is denied or revoked by the City Manager or Department of Municipal Services, the applicant or holder of a license may appeal and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant or licensee and the City Clerk as to whether or not the grounds for denial, revocation or complaint are valid. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or filing of the complaint shall be sustained. The applicant or licensee may then appeal the City Manager's decision to a court of competent jurisdiction.

### **Sec. 22-129. Civil Infraction.**

An operator who violates this chapter is responsible for a civil infraction and subject to a fine of \$500.00 per day. Provided, however, that the fine for parking violations shall be those as outlined in Chapter 3 of these codified ordinances.

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**Sec. 22-130. Effective dates.**

All licenses issued for food establishments shall take effect January 1 and expire the following December 31 of each year. All licenses and vehicle tags issued for mobile units and food vendors shall take effect May 1 and expire April 30 of the next year.

(Code 1973, § 19-6)

**Secs. 22-131—22-150. Reserved.**