

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 478

**AN ORDINANCE TO ADD A NEW ARTICLE V TO CHAPTER 19 TO THE CITY OF
ALLEGAN CODE OF ORDINANCES TO REGULATE MOBILE FOOD VEHICLES**

The City of Allegan ordains:

Section 1. Addition. A new Article V, entitled “Mobile Food Vehicles,” is added to the City of Allegan Code of Ordinances to consist of Sections 19-128 to 19-136 and read as follows:

**Article V.
Mobile Food Vehicles**

Sec. 19-128. - Intent.

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

Sec. 19-129. - Definitions.

Brick and Mortar Restaurant. A business located in a permanent structure that offers food, which is prepared on site, and drink to the public in a face-to-face setting and is not part of a grocery store or a membership-based institution.

Mobile Food Vehicle. A vehicle which, upon issuance of a permit by the City Clerk and conformance with the regulations established by the ordinance, may temporarily park upon a public street or public park 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. 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 ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.

Vendor. The registered owner of a mobile food vehicle or the owner’s agent or employee.

Operate. 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.

Sec. 19-130. - Scope.

The provisions of this article 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 article 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.

Sec. 19-131. - Permit Required.

No vendor shall engage in Mobile Food Vending without an annual permit authorizing such vending. The annual permit issued under this ordinance shall not be transferable from person to person. The annual permit

shall not be transferred between vehicles. The annual permit shall expire on December 31st of each year. This permit is not required for City-sponsored events and festivals.

Sec. 19-132. - Application for Permit.

Every vendor desiring to engage in mobile food vending shall make a written application, supplied by the City, for a permit. The applicant shall truthfully state, in full, all information requested and be accompanied by a non-refundable fee of \$10.00. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City. Application information required shall include the following:

1. Name of the applicant and business, signature, phone number, email contact, and business address of the applicant.
2. Information on the mobile food vehicle, including the year, make and model of the vehicle and dimensions, which shall not exceed 24 feet in length or 10 feet in width.
3. A general description of the food products offered for sale.
4. Information setting forth the proposed hours of operation, and area of operation.
5. Copies of all necessary licenses or permits issued by the Allegan County Health Department and/or the State of Michigan.
6. Proof of insurance coverage.
7. A signed statement that the licensee shall indemnify and hold harmless the City, its officers, and employees for any claims, damages, or injuries to persons or property, which arise out of any activity by the licensee, its employees, or agents carried on under the terms of the license.

Sec. 19-133. - Regulations.

- 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.
- 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 mobile food vehicles.
- C) Customers shall be provided with a waste and recycling containers 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 streets is allowed.
- D) 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 the City Noise Ordinance, including generators.
- E) Signage is permitted on mobile food vehicles. One (1) separate freestanding sign is allowed within 2 ft. of the mobile food vehicle, not to exceed dimensions of 50" by 30".
- F) 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.
- G) A mobile food vendor may only operate between the hours of 7:00 am and 2:00 am.

- H) A vendor shall not operate a mobile food vehicle within 1000 ft. of any fair, festival, special event or civic event boundary that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.
- I) A vendor shall not operate a mobile food vehicle within 50 ft. of the front door of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business.
- J) A vendor shall not park on the southern side of Trowbridge Street, between Chestnut St. and the alleyway immediately west of the Regent Theatre; this is otherwise known as the area in front of the Allegan City Hall at 231 Trowbridge Street.
- 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) Power required for the mobile food vehicle shall be self-contained. If mobile food vehicle requires use of utilities drawn from public right-of-way, a temporary hook-up may be granted with the payment of a flat rate as established by a resolution adopted by City Council. No power cable or equipment shall be extended across any City sidewalk or road, without being secured so as to not create a danger or impedance to the public.
- M) No part of the mobile food vehicle shall extend into the travel lane when parked.
- N) No flashing or blinking lights, or strobe lights, are allowed on mobile food vehicles or related signage at any time. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- O) Mobile Food Vehicles shall be in accordance with the City's noise ordinance.
- P) Awnings for mobile food vehicles shall have a minimum clearance of seven (7) feet between the ground level and the lowest point of the awning. Seating, tables, waste disposal or cleaning apparatus of the vendor shall be located within 20 feet of the mobile food vehicle and shall not constitute a danger or impedance to the public.

Sec. 19-134. - Locations Permitted.

- A) Mobile Food Vendors are permitted to operate on city streets, where on street parking is available, in areas with zoning classifications of C1 and C2.
- B) Mobile Food Vendors are only permitted to park on city streets with parallel parking spaces.
- C) There are two spots located on the downtown Riverfront Park area available to Mobile Food Vendors. One spot is designed for larger mobile food vehicles, while the other spot is designed for smaller mobile food vehicles. A map depicting these locations shall be provided by the City of Allegan with the application for permit. Only one vendor at a time is permitted to park in either designated area. These spots are filled on first come, first serve basis.

- a. For smaller mobile food vehicles, there is a 13'(l) by 10'(w) designated area located on the concrete plaza east of the landscape circle and north of the eastern most picnic table, at the west of the turning circle. This spot is reserved only for mobile food vehicles that are trailers or carts.
- b. For larger mobile food vehicles, there is a 24'(l) by 13' (w) designated area located on the brick pavers just south of the sculpture and north of the picnic tables, at the east end of the turning circle.

D) Mobile Food Vendors may operate on private property that is in an area with a commercial zoning classification. Permission from owner of private property is required. No permit is needed from the City if the Mobile Food Vendor is operating on private property.

Sec. 19-135. - Appeals.

If a permit is denied or revoked, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination. If the City Manager denial or revocation is supported, the applicant may appeal the City Manager's decision to City Council.

Sec. 19-136. - Enforcement.

Any license holder operating a mobile food vehicle in violation of any provision of this ordinance may be subject to revocation of their permit. Permits may also be revoked if the vendor 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.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect upon publication.

YEAS: Andrus, Ingalsbee, Mayor Pro-Tem Tripp, Mayor McKenzie, Manning, Morgan and Perrigo

NAYS: N/A

ABSTAIN: N/A

ABSENT: N/A

CERTIFICATION

This is a true and complete copy of Ordinance No. 478 adopted at a regular meeting of the Allegan City Council held on August 12, 2019.

Rachel McKenzie

Rachel McKenzie, Mayor

Danielle Bird

Danielle Bird, Clerk

Introduced: August 12, 2019

Adopted: August 26, 2019

Published:

Effective: