

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. 619-D

MOBILE FOOD VENDING ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 17 OF THE CODE OF ORDINANCES TITLED, PEDDLERS AND SOLICITORS, ARTICLE II, PEDDLER, SOLICITOR, VENDOR, DIVISION 2, REGULATIONS, AND DIVISION 3, MOBILE FOOD VENDING.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Chapter 17 of the West Bloomfield Charter Township Code of Ordinances, Article II, Division 3, Sections 17-34 to 17-37 are hereby amended to read as follows:

DIVISION 3. MOBILE FOOD VENDING

Sec. 17-34. Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- (a) *Frozen confection* shall mean ice cream, ice, popsicles, ice cream bars, frozen candy, frozen dairy products and all other ice cream or other frozen sugar items.
- (b) *Mobile food vending* shall mean vending, serving, or offering for sale any food, frozen confections, and/or beverages from a mobile food vending unit which meets the definition of a food establishment under the Michigan Food Law, PA 92 of 2000; MCL 289.1107 and may include the ancillary sales of branded items consistent with food such as t-shirts which bear the name of the organization engaged in mobile food vending.
- (c) *Mobile food vending unit* shall mean catering trucks, food trailers, ice cream trucks, motorized or non-motorized vehicles, pushcarts, wheel mounted carts, or similar devices designed to be portable and not permanently attached to the ground from which food, beverages, or frozen confections are vended or offered for sale.
- (d) *Operate* shall mean all activities associated with the conduct of the business, including set up and take down, and/ all actual hours when the mobile food vending unit is open for business.
- (e) *Township event* shall mean any event approved by the Township of West Bloomfield, in whole or in part, which takes place on Township Property.
- (f) *Vendor* shall mean a person engaged in the business of mobile food vending.

Sec. 17-35. License Required.

- (a) *Required.* A person shall not engage in mobile food vending in the Township without first demonstrating compliance with all requirements of this Chapter and obtaining the required annual license.
- (b) *Expiration.* The annual mobile food vending license shall expire January 31 of each year.
- (c) *Transfer of license prohibited.* A mobile food vending license is not transferable. It shall be unlawful to transfer a license to any other person or mobile food vending unit. Any transfer shall be grounds for revocation.
- (d) *Display of license.* The annual mobile food vending license shall be displayed on the mobile food vending unit near the service window clearly visible to the public.

Sec. 17-36. Application; Required Submission.

An application for a mobile food vending license shall include all of the following:

1. Proof of compliance with all application requirements listed in Section 17-4.
2. A copy of applicant's current driver's license and proof of automobile liability insurance.
3. A copy of applicant's current Special Transitory Food Unit (STFU) license from the State of Michigan.
4. A copy of the current year health department inspection for the mobile food vending unit from a licensing County in the State of Michigan
5. A copy of the approved Fire Safety Inspection in the current year from the Township or another department acceptable to the Township Fire Marshal.
6. Proof of general liability insurance in the amount of one million dollars (\$1,00,000.00) naming the Charter Township of West Bloomfield, all elected and appointed officials, all employees and agents, all boards, commissions, authorities and board members, including employees and volunteers thereof as additional insured; and proof of automobile liability insurance, which must be kept current during the lifetime of the license.
7. A statement as to whether or not the applicant has been convicted of any felony, or misdemeanor, the nature of the offense and the punishment or penalty assessed. This statement shall be accompanied by a release allowing the Township, including the Township Police Department, to access the Internet Criminal History Access Tool (ICHAT).
8. If the applicant 1) will be engaged in mobile food vending on behalf of another person or entity; 2) if the mobile food unit to be used by the applicant is owned by another person or entity, the

applicant shall set forth on its application the name, address, and telephone number of such person or entity, and if the entity is a corporation, the applicant shall set forth the state of incorporation, as well as the registered agent of the corporation.

9. Certification that the information in the application is true; authorization for the Township of West Bloomfield to 1) conduct an inspection of the mobile vending unit; 2) conduct a background investigation, including criminal history; 3) investigate the truth of the statements set forth in the application; and 4) an agreement to pay for the cost for the ICHAT report.
10. A non-refundable license fee in an amount established by resolution of the Township Board shall be included with the application submission.

Sec. 17-37. Standards for approval.

- (a) The Township Clerk shall issue the mobile food vendor's license only upon demonstrated compliance with all of the following requirements:
 1. All documentation required by Section 17-36 and 17-4 was submitted.
 2. The applicant has a valid and unrestricted driver's license, automobile liability insurance, and is authorized to drive a mobile vending unit in the State of Michigan.
 3. Proof of an approved current year Special Transitory Food Unit (STFU) license from the State of Michigan.
 4. Proof of an approved current year health department inspection for the mobile food vending unit from a licensing County in the State of Michigan
 5. Proof of the approved current year Fire Safety Inspection.
 6. Proof of current general liability insurance in the required amounts; and that names the Township additional insured as required.
 7. The applicant paid the required fees.
 8. The applicant has not made a material misrepresentation of fact and/or falsified any of the contents of the application.
 9. The applicant has not had a mobile food vendor's license denied or revoked by West Bloomfield Township within a period of one (1) year prior to the date of the application.
 10. The applicant has not been convicted of any of the following offenses:
 - i) A misdemeanor offense under MCL 257.625(1) for operating a motor vehicle while impaired or intoxicated within the last three (3) years.

- ii) An offense punishable by death or imprisonment in excess of one (1) year for which less than seven (7) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.
- iii) A criminal offense against a person under the age of eighteen (18), for which less than seven (7) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date.

11. The applicant has met all other requirements of this Chapter.

- (b) The Township Clerk shall deny the application for the mobile food vendor's license if any of the requirements set forth in subsection 17-37 are not met.
- (c) In the event that the application is denied by the Township Clerk, written notice of such denial shall be given to the applicant specifying the ground or grounds for such denial, and advising the applicant that the applicant may request in writing, within twenty (20) days of the date of the denial notice, a hearing before the Township Board appealing the denial of the license. The Township Board shall hold a hearing at the next available Township Board meeting after receipt of the applicant's written request for a hearing appealing the denial of the license.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause, or phrase of this Ordinance be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated. It is further declared that such provisions would have been adopted independently of the provision found to be invalid. Should any procedural aspect of this article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this article.

Section 3 of Ordinance

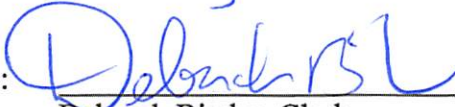
This Ordinance shall take effect immediately upon publication.

CERTIFICATION

STATE OF MICHIGAN)
) SS.
 COUNTY OF OAKLAND)

I, Deborah Binder, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 10th day of February, 2025, the original of which is on file in the Office of the Township Clerk.

I affix my official signature/seal this 10th day of February, 2025.

By: 
Deborah Binder, Clerk

EMERGENCY ADOPTION:	<u>February 10, 2025</u>
PUBLISHED:	<u>February 19, 2025</u>
EFFECTIVE:	<u>February 19, 2025</u>

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