

**CITY OF NILES, MICHIGAN  
COUNTY OF BERRIEN  
STATE OF MICHIGAN**

**ORDINANCE NO. 477**

AN ORDINANCE TO PROVIDE FOR THE ISSUING OF PERMITS FOR THE OPERATION OF MOBILE FOOD VENDOR UNITS BY MOBILE FOOD VENDORS WITHIN THE CITY OF NILES, MICHIGAN AND TO PROVIDE FOR REQUIREMENTS AND REGULATIONS INCIDENT THERETO.

THE CITY OF NILES ORDAINS:

**SECTION 1 Title and Purpose.**

- (a) This ordinance shall be known as the City of Niles Mobile Food Vendor Ordinance.
- (b) The purpose of this Ordinance is to recognize that there is an interest in the City of Niles, Michigan for the operation of Mobile Food Vendors and Mobile Food Vending Units, and that the pursuit thereof requires the involvement of the City of Niles to provide a method of securing a permit for such operation and also providing regulations for the conduct of activity to provide for health, safety and welfare of the general public.

**SECTION 2 Definitions.**

- (a) Mobile Food Vendor shall mean any person including entity operating a Mobile Food Vending Unit.
- (b) Mobile Food Vending Unit shall mean any motorized or non-motorized vehicle, trailer or other devise designed to be portable and not permanently attached to the ground from which items for consumption are sold, served, dispensed or vended.

**SECTION 3. Prohibition.**

No person or entity shall operate as a Mobile Food Vendor engaging in the operation of a Mobile Food Vending Unit in the City of Niles, Michigan without first securing from the City of Niles, Michigan the permit as required in this Ordinance.

#### **SECTION 4. Securing of Required Permit.**

The permit required herein shall be issued by the City of Niles Clerk based on the following:

- (a) An application shall be submitted to the clerk which application shall include the following:
  - 1. Name, phone number, legal residence of person or entity making application.  
  
Description of food product/nature of items to be sold, served, dispensed, or vended.
  - 3. Proof of insurance naming City of Niles as an insured to the extent of \$100,000.
  - 4. Proof of any required license or permit from Berrien County and/or State of Michigan.
  - 5. Any other information required by the clerk to assist in securing information deemed necessary by the Clerk to evaluate the application.
- (b) Payment to the City of Niles, Michigan of the permit fee as established by the City Council of the City of Niles, Michigan from time to time by Resolution.
- (c) The permit shall be in the possession of the Mobile Food Vendor while operating the Mobile Food Vending Unit.
- (d) The permit issued by the City to the Mobile Food Vendor shall expire on December 31 of each year; an application and fee as set forth above shall be filed to secure a renewed permit. A permit may be issued for a specific, limited period of thirty (30) days.
- (e) If a Mobile Food Vendor operates more than one Mobile Food Vending Unit, a separate permit shall be obtained for each Mobile Food Vending Unit.
- (f) Upon review and determination by the Clerk that the provisions of this Section have been met, a permit shall be issued.

## **SECTION 5. Requirements.**

All Mobile Food Vendors in the conduct of sales, serving, dispensing, vending or otherwise operating of the Mobile Food Vending Unit shall comply with the following:

- (a) The City Council of the City of Niles, Michigan from time to time by Resolution may designate the locations wherein a Mobile Food Vendor may sell, serve, dispense, vend or otherwise operate; no Mobile Food Vendor shall sell, serve, dispense, vend, or otherwise operate from a Mobile Food Vending Unit other than at a location so authorized by such Resolution.
- (b) Conduct of activity from a Mobile Food Vending Unit shall be on or from the side of the Mobile Food Vending Unit that faces a curb lawn or sidewalk when parked. No activity shall occur on the driving lane side of the Mobile Food Vending Unit.
- (c) The Mobile Food vendor shall provide at the Mobile Food Vendor's expense in close proximity to the Mobile Food Vending Unit a waste container for the disposal of refuse and discarded product and materials; the waste container and the monitoring thereof for a sanitary, neat and clean operation shall be the responsibility of the Mobile Food Vendor. All trash and refuse generated from and by the operation of the Mobile Food Vending Unit shall be collected daily and disposed of off-site at the expense of the Mobile Food Vendor or a person or entity secured by the Mobile Food Vendor.
- (d) Signs for operation of the Mobile Food Vending Unit shall be restricted to those signs affixed to the Mobile Food Vending Unit. No portable signs not affixed to the Mobile Food Vending Unit shall be allowed.
- (e) Mobile Food Vending Units shall not allow any amplified music or sound so as to cause disruption or unreasonable distraction to the peaceful enjoyment and safety as determined by City of Niles, Michigan officials.
- (f) No use shall be allowed by the Mobile Food Vending Unit of flashing or blinking lights or strobe lights; all lights on the exterior of the Mobile Food Vending Unit over fifty (50) lumens shall contain opaque hood shields to direct illumination downward.
- (g) All Mobile Food Vending Units when parked on a public street or property shall be parked in conformance with applicable parking restrictions and in such a manner to not hinder lawful parking or operation of other vehicles.
- (h) Mobile Food Vending Units shall not be left unattended and shall be removed from the location by midnight each night, and not returned until 6:00 A.M. the following morning, PROVIDED, the City Council may relieve the Mobile Food Vendor from this requirement upon request.

- (i) No Mobile Food Vending Unit shall operate within 75 feet of the property line of an existing established restaurant during the hours the restaurant is open for business PROVIDED this restriction shall not apply to Mobile Food Units operating in a City park or a City owned parking lot.
- (j) Power, if required in the operation of the Mobile Food Vending Unit located on public property shall be secured from the City of Niles, Michigan within the discretion of the City of Niles, Michigan. Power if required in the operation of the Mobile Food Vending Unit located on private property shall be secured with permission from the property owner; in all events no power cables or materials shall be extended at or across any City street, alley or walkway other than in a safe manner. Generators used in the operation of a Mobil Food Vending Unit shall be rated by the manufacturer of the generator at 70 decibels or less.
- (k) The permit granted pursuant to this ordinance shall be non-transferable.

#### **SECTION 6. Penalty.**

Any person or entity who violates this Ordinance shall be responsible for a municipal civil infraction.

#### **SECTION 7. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid for any reason or unconstitutional by any court of competent jurisdiction, said portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

#### **SECTION 8. Revocation.**

All provisions of the Niles Code of Ordinances inconsistent or in conflict with the provisions of this ordinance are revoked as of the effective date of this Ordinance are revoked as of the effective date of this Ordinance and replaced with provisions herein.

#### **SECTION 9. Effective Date.**

This Ordinance shall become effective twenty (20) days after the date of its enactment

Proposed by Councilmember Daniel VandenHeede

Supported by Councilmember John DiCostanzo

Roll Call:

Ayes: Daniel VandenHeede, Charlie McAfee, John DiCostanzo, Wm. Tim Skalla,  
Mayor Shelton to break tie.

Nays: Georgia Boggs, Gretchen Bertschy, Robert Durm, Wm. Bill Weimer

Absent: None

ORDINANCE DECLARED ENACTED.

The foregoing Ordinance was enacted by the City Council of the City of Niles, State of Michigan, on the 27th day of March, 2017, and approved by its Mayor and Clerk on said date.

CITY OF NILES

By:

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N. Shelton, Mayor

and

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Linda Casperson, Clerk

First Reading: March 13, 2017

Second Reading and Enactment: March 27, 2017

Publication of Notice: April 7, 2017

Effective Date: April 17, 2017