

ORDINANCE NO. 1728

AN ORDINANCE TO AMEND TITLE VII, BUSINESS AND TRADES CHAPTER 72, VENDORS, OF THE CODE OF THE CITY OF SOUTHFIELD BY DELETING SECTION 7.51, DEFINITIONS, SECTION 7.54, DURATION, AND SECTION 7.56 APPLICATION AND INSERTING IN LIEU THEREOF A NEW SECTION 7.51, DEFINITIONS, A NEW SECTION 7.54, DURATION AND A NEW SECTION 7.56 APPLICATION

SECTION 1.

THE CITY OF SOUTHFIELD ORDAINS:

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY DELETING SECTION 7.51, DEFINITIONS, AND SECTION 7.54, DURATION AND INSERTING IN LIEU THEREOF A NEW SECTION 7.51, DEFINITIONS, A NEW SECTION 7.54, DURATION, AND A NEW SECTION 7.56 APPLICATION WHICH SHALL READ AS FOLLOWS:

Sec. 7.51. - Definitions.

- (a) *Chief* means the Southfield Chief of Police.
- (b) *Clerk* means the Southfield City Clerk.
- (c) *Food* means any products sold for human consumption, the sale of which is not prohibited by law.
- (c) *Mobile food vending unit* means any motorized or non-motorized vehicle, trailer, kiosk or other device designed to be portable and not permanently attached to the ground from which not less than 80 percent of the products are food items to be vended, sold, served, displayed or offered for sale from a public street, highway or public parking space.
- (d) *Mobile food vendor* means a person who sells, serves or offers for sale items which shall consist of not less than eighty percent food products from a mobile food vending unit from a public street, highway or public parking space. This term does not include a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis for no more than thirty minutes per site per day.
- (e) *Mobile vending unit* means any motorized or non-motorized vehicle, trailer, kiosk or other device designed to be portable and not permanently attached to the ground from which any goods, wares, or merchandise, other than food, are vended, sold, served, displayed or offered for sale from a public street, highway or public parking space.
- (f) *Person* shall mean any individual, firm, co-partnership, corporation, association, organization, society, or any other business entity.
- (g) *Vendor* shall mean any person, other than a solicitor as defined in section 7.602 of this Code, who sells or offers to sell goods, merchandise, or services, other than food, of any kind for immediate or future delivery or performance while:

- (1) Traveling by a mobile vending unit from place to place.
- (2) Using or occupying any lot, right-of-way, building, tent, or other structure for a period of less than six (6) consecutive months.
- (3) Outside of a building or structure using a stationary cart, stand, wagon, concession trailer, motor vehicle, or any other method of display.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.52. - Exemptions.

The provisions of this chapter do not apply to:

- (a) Veterans exempt from local license requirements pursuant to state law.
- (b) Salespersons calling upon business establishments.
- (c) Vendors located on city property pursuant to a written lease agreement.
- (d) Vendors required to be licensed under a more specific licensing provision contained in Title VII of this Code.
- (e) A vendor conducting a temporary, outside sale accessory to its principal business conducted within a structure.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.53. - License required.

No person shall engage in the business of vending or mobile food vending without first obtaining a license from the clerk.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.54. - Duration.

All licenses issued pursuant to this chapter shall be valid for ninety (90) days, unless an earlier expiration date is noted on the license, except a license issued to a mobile food vendor pursuant to this chapter shall be for one calendar year from the date of the approved license application and mobile food vendor has a current Oakland County Health Department license.

(Ord. No. 1517, § 1, 5-16-05; Ord. No. [1517](#), § 1, 7-4-19)

Sec. 7.55. - Transfer prohibited.

No license issued pursuant to this chapter shall be transferred to or used by any person other than the one to whom it was issued.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.56. - Application for license.

Applicants for a license under this chapter shall pay a nonrefundable application fee and file a verified application on a form provided by the clerk containing the following information:

- (a) Proof of age, address, and identification of the applicant, to be provided through the applicant's driver's license or other legally recognized form of identification. If the applicant's vending activities will be conducted through a business which has a different name, identify the name and form of the business;
- (b) A brief description of the vending activity to be conducted, including the methods to be used and a description of the types of goods and services to be sold;
- (c) The dates, hours, and locations for which the right to engage in vending is sought;
- (d) Proof that the applicant has permission to use the property where the vending activity will be conducted;
- (e) If employed, the name, address, and telephone number of the employer; or, if acting as an agent, the name, address, and telephone number of the principal who is being represented;
- (f) A statement as to whether or not the applicant has been convicted of a felony or misdemeanor (other than traffic violations); the nature of the offense or violation; the date when and place where such offense occurred; the court where such offense was adjudicated; and the penalty or punishment imposed;
- (g) A statement as to whether or not a governmental license issued to the applicant has ever been suspended or revoked; and if so, the reason for the revocation or suspension;
- (h) Two (2) photographs of the applicant, taken within sixty (60) days immediately prior to the date of filing such application, which photograph shall be two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner;
- (i) A description and license number of any vehicle to be used in carrying on the vending activity, and a complete copy of the current Michigan vehicle registration(s) and proof of vehicle insurance for each proposed mobile vending unit or mobile food vending unit.
- (j) A brief description of the nature of the vending operation and the items to be sold, including whether the licensee will be selling food products.
- (k) A copy of a valid, current, Michigan sales tax license, or, if exempt, a copy of a current exemption certificate, if required for the goods or merchandise sold; and
- (l) Such other information as the clerk shall determine to be appropriate.
- (m) Any change in the information requested in the application shall be provided to the city clerk within ten calendar days of any such change.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.57. - Health department approval prior to selling food.

Any person licensed under this chapter shall obtain approval from the Oakland County Health Department prior to selling any food or beverages.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.58. - Certificate of occupancy.

Prior to the issuance of a license, a certificate of occupancy, if required, shall be obtained from the building department.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.59. - Single event.

If a person sponsors or organizes a single event with a duration of five (5) days or less at which ten (10) or more vendors are present, such person shall have the option of applying for a single license on behalf of all participating vendors.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.60. - Administrative fee.

An administrative processing fee shall be paid for a vendor's license in accordance with the fee schedule established by city council resolution pursuant to section 7.31 of this Code.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.61. - Application review and license issuance.

(a) Upon receipt of an application, the clerk shall forward it to the chief for review of the application, as deemed necessary, to ensure the protection of the public health, safety, and general welfare.

(b) After such review, the chief shall endorse upon the application his or her approval or disapproval and return the application to the clerk who shall, if the application is approved, deliver the license to the applicant.

(c) The license shall show the name, address, and photograph of the licensee; the kind of goods or services to be sold or delivered; the date of issuance; and the length of time that the license shall be in effect. The license shall also show the license number and identifying description of any vehicle to be used in carrying on the business for which the license is issued.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.62. - Denial of license.

(a) Upon the chief's review of the application, the chief may refuse to approve an application for a license under this chapter for any of the following reasons:

- (1) The location and time of vending would endanger the safety and/or welfare of the licensee or his or her customers.
- (2) An investigation reveals that the applicant falsified information on the application.
- (3) The applicant has been convicted of a felony or misdemeanor involving a sex offense; trafficking in controlled substances; any violent acts against persons or property, fraud, deceit, or misrepresentation.
- (4) The applicant has been denied a license or had a license revoked by the city within the two (2) years immediately preceding the date of application unless the applicant can and does show to the satisfaction of the chief that the reasons for such earlier denial or revocation no longer exist.
- (5) Any other reason that relates to the protection of the health, safety, and welfare of the public.

(b) The chief's disapproval and the reasons for disapproval shall be noted on the application and the applicant shall be notified by the clerk that his or her application is disapproved and that no license will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.63. - License display.

Every person required to obtain a license under the provisions of this chapter shall at all times conspicuously display the license while conducting vending activities in the city.

(Ord. No. 1517, § 1, 5-16-05)

Sec. 7.64. - License revocation.

Any license issued under this chapter may be revoked or suspended in accordance with section 7.17 of this Code, for any of the following reasons:

- (a) Fraud, misrepresentation, or false statement contained in the application for a license;
- (b) Fraud, misrepresentation, or false statement made by the licensee in the course of conducting vending activities;
- (c) Conducting vending activities contrary to the provisions contained in the license or any provision of the City Code;
- (d) Conviction for any crime identified in section 7.62; or

(e) Conducting vending activities in such a manner as to create a public nuisance; constitute a breach of the peace; or endanger the health, safety, or general welfare of the public.

(Ord. No. 1517, § 1, 5-16-05)

SECTION 2

Should any section, subsection, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part so declared to be invalid.

SECTION 3

Rights and duties which have matured; penalties which have been incurred; proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 4

All ordinances, parts of ordinances, or codes in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 5

This ordinance shall become effective upon passage and publication.

KENSON J. SIVER, Mayor

SHERIKA L. HAWKINS, City Clerk

Introduced: August 17, 2020

Enacted: August 31, 2020

Published: September 14, 2020