

DEWITT CHARTER TOWNSHIP
CLINTON COUNTY, MICHIGAN
ORDINANCE NO. 2022-01-01

PREAMBLE

AN ORDINANCE TO AMEND CHAPTER 5, BUSINESSES AND BUSINESS REGULATIONS OF THE DEWITT CHARTER TOWNSHIP CODE OF ORDINANCES TO ADD ARTICLE IV, REGULATIONS PERTAINING TO MOBILE FOOD VENDORS; TO REPEAL ORDINANCES IN CONFLICT HERewith; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

The Charter Township of DeWitt, Clinton County, Michigan ordains:

SECTION I. ADDITION OF “CHAPTER 5, ARTICLE IV. - MOBILE FOOD VENDORS”

Section 5.76 - Title.

The ordinance from which this article is derived shall be known as the “DeWitt Charter Township Mobile Food Vending Regulation Ordinance.”

Section 5.77 – Purpose.

The purpose of this article shall be:

- (1) To secure and protect the general welfare and safety of the citizens and other persons within the township;
- (2) To require mobile food vendors to obtain a license to operate within the township;
- (3) To establish an application process and fee for the issuance of a mobile food vendors license;
- (4) To set forth the information that must be supplied to the township before a mobile food vendors license may be granted;
- (5) To provide for penalties upon violation of the provisions of this article.

Section 5.78 - Definitions.

When used in this article, the following terms and phrases shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

- (1) *Mobile Food Vendor.* The operator of a motorized vehicle, vehicle-mounted trailer or non-motorized cart which is used for the operation of culinary service activities.
- (2) *Mobile Food Vending Unit.* A motorized vehicle or vehicle-mounted trailer with a self-contained area designated for the preparation or packaging of food for the purpose of distribution to patrons.
- (3) *Mobile Food Cart.* A non-motorized vending unit in which food items distributed to patrons are not prepared on the premises.

Section 5.79 - Licensing.

- (1) It shall be unlawful for a mobile food vendor to operate a mobile food vending unit or mobile food cart without a mobile food vendor license issued by the township which authorizes such action, subject to the exceptions listed in section 5.79(7).
- (2) When operating within the township, a mobile food vendor must have its township-issued license openly displayed on the mobile food vending unit or mobile food cart at all times and must be licensed and approved in accordance with the applicable Health Department Agency.
- (3) Duration. A mobile food vendor license may be issued for a period of one (1) day, thirty (30) days or one (1) year, starting from the date of license issuance. A location review application is valid for the dates of the attended event only.
- (4) Fee. An applicant must pay the fee amount as presented on the mobile food vendor license application and location review application when submitting or renewing a mobile food vendor license application or applying for a location review. The fee amount collected by the township shall be nonrefundable once a mobile food vendor license has been issued.
- (5) Inspection. The applicant will be responsible for scheduling an inspection with the township fire department prior to the issuance of the mobile food vendor license. An additional inspection shall be required with the township fire department for individual events.
- (6) Non-Transferability. Any license issued under this section by the township is non-transferrable between mobile food vendors or properties.
- (7) Exceptions. The following are exempt from licensing required by this section but must still comply with sections 5.81 and 5.82 below:
 - a. Feeding operations in response to a disaster, subject to approval of the township manager.
 - b. Private closed-group catered events not open to the general public and not offering food items for individual sale.

- c. Schools or charitable, religious or other nonprofit organizations serving home-prepared baked goods or home-prepared food in conjunction with a lawful fundraiser.

Section 5.80 - Mobile Food Vendor License Application.

- (1) A mobile food vendor shall submit a complete application to obtain or renew a mobile food vendor license. The application shall contain the following information:
 - a. The applicant's name, address, phone number, and email
 - b. A brief description of all food and beverages intended to be sold
 - c. The total number of employees
 - d. Disclosure of the type of fuel source(s) used for food and beverage preparation
 - e. Completion of the township fire department checklist
 - f. Proof of a valid driver's license
 - g. Proof of health department agency approval
 - h. Proof of valid business license
 - i. Proof of vehicle insurance
 - j. State sales tax license
- (2) For each event a licensed mobile food vendor plans to attend, the licensed mobile food vendor shall submit a complete location review application. The application shall contain the following information:
 - a. The proposed location of operation
 - b. The proposed date(s) of operation
 - c. The proposed times of open operation
 - d. One (1) map which specifies the proposed vending location, location of the nearest fire hydrant(s) and setbacks of the mobile food vending unit from surrounding structures and property lines
 - e. The surrounding zoning districts
 - f. Written and signed permission from the property owner or authorized agent acting on behalf of the property owner to allow the mobile food vendor to operate at the proposed location
- (3) The township may revoke the license of a mobile food vendor who misrepresents or makes a false statement on the application.

Section 5.81 - Locations Permitted.

A mobile food vendor is allowed to operate in the following locations:

- (1) Township-owned property, only with the approval of the township manager, or assigned designee.
- (2) Private property

- a. A mobile food vendor may operate on private property located within the following districts, with consent of the property owner or their designee:
 - i. OP – Office Park
 - ii. POD – Planned Office Development
 - iii. BL – Local Business
 - iv. BC – Community Business
 - v. BSC – Shopping Center Business
 - vi. IL – Light Industrial
 - vii. IH – Heavy Industrial
 - viii. I-P – Industrial Park
- (3) Except for a single-day event, a mobile food vendor shall not operate within an agricultural or residential zoning district.
- (4) Mobile food vendors shall not operate or be stationed on any public right-of-way. Nor shall mobile food vendors extend power cables, extension cords, or similar devices across any street, sidewalk, pathway, or public right-of-way.
- (5) Mobile food vendors shall not position their mobile food vending unit or mobile food cart in a manner which will disrupt the natural flow of pedestrian or vehicular traffic, or inhibit the entrance or exit of a building or structure.
- (6) Setback Requirements. When operating within a nonresidential zoning district, a mobile food vendor may operate only if setback at least 50 feet from any abutting agricultural or residential zoning district and shall abide by the Clear Vision Triangle Requirements as stated within the Zoning Ordinance of DeWitt Charter Township.
- a. When operating within a residential or agricultural zoning district, a mobile food vending unit or mobile food cart shall abide by the minimum setback distance required for accessory buildings as stated in Section 5.1 of the DeWitt Charter Township Zoning Ordinance.

Section 5.82 - Operation Standards.

- (1) A mobile food vendor shall only operate between the hours of 8:00 a.m. and 10:00 p.m. Operating hours include the time required for setup and takedown of the mobile food vending unit or mobile food cart.
- (2) The mobile food vendor shall only sell food and beverages.
- (3) The sale or distribution of alcoholic beverages is prohibited and shall constitute a violation of this section.

- (4) The mobile food vendor shall abide by the applicable performance standards as described in Section 5.2 of the Zoning Ordinance of DeWitt Charter Township.
- (5) All mobile food vendors shall offer at least one (1) trash receptacle for public use which the waste collected within shall be properly disposed of by the mobile food vendor.
- (6) Mobile food vendors shall be responsible for the proper disposal of all waste generated onsite. No cooking grease, waste or trash generated from the operation of a mobile food vending unit or mobile food cart may be left on public or private property, including sidewalks, rights-of-way, or other public place.
- (7) The following may be placed in the immediate area of operation so long as they do not impede or interfere with the flow of pedestrian or vehicular traffic:
 - a. Recycling receptacles
 - b. One (1) folding menu board, no larger than 10 square feet in area
 - c. Additional dining furniture for patrons of the mobile food vending unit or mobile food cart
- (8) An NFPA-approved fire extinguisher shall be kept and maintained in good working condition within the mobile food vending unit at all times when utilizing an internal combustion generator and/or open-flame cooking apparatus.
- (9) No mobile food vending unit or mobile food cart shall be positioned within 20 feet of a fire hydrant or within 10 feet of a permanent structure.
- (10) A mobile food vending unit or mobile food cart shall not create any unnecessary noise, dust, smoke, odor, glare, fumes, flashes, vibrations, heat, or other objectionable effluent, which may constitute a nuisance as described in Section 2.23 of the Zoning Ordinance of DeWitt Charter Township.

Section - 5.83 - Penalties.

- (1) Any person who violates this article shall be responsible for a municipal infraction subject to a fine not to exceed \$400.00.

Each day that a violation continues shall be deemed as a separate violation.

- (2) The township may revoke the permit of any mobile food vendor who fails to meet any requirement or operation standard of this article or violated any other federal, state, or local law, or makes a false statement on their application. The license shall become null and void immediately upon such revocation, and the township shall provide, by certified mail, written notice to the mobile food vendor at the address provided on the application. Upon receipt of this written notice, the mobile food vendor shall remove the mobile food vending unit or the mobile food cart from the premises.
- (3) The township reserves the right of the township fire department, designated Code Enforcement officer and Law Enforcement officer to ensure the regulations as stated within this section are abided by.

SECTION II. OTHER ORDINANCE PROVISIONS

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency. Except as provided Sections I and Section II herein, all other provisions of the DeWitt Charter Township Zoning Ordinance (as previously amended) shall remain in full force and effect.

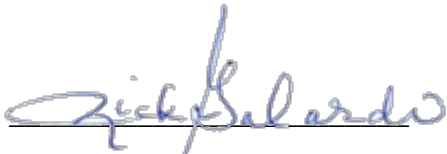
SECTION III. SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision.

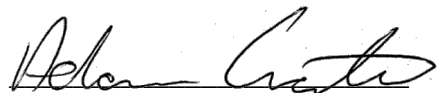
SECTION IV. EFFECTIVE DATE.

This amendatory Ordinance shall become effective immediately upon its passage, publication and recording by the DeWitt Charter Township Clerk as required by law.

First Reading:	<u>27 June, 2022</u>
First Publication:	<u>03 July, 2022</u>
Second Reading:	<u>25 July, 2022</u>
Second Publication:	<u>31 July, 2022</u>
Effective Date:	<u>31 July, 2022</u>

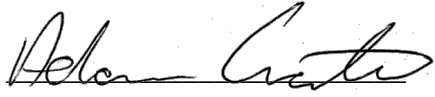


Rick Galardi, Supervisor



Adam Cramton, Clerk

I, Adam Cramton, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 2022-01-01, duly adopted by the Board of Trustees of the Charter Township of DeWitt, Clinton County, Michigan, on the 25th day of July, 2022, and that the same was posted and published as required by law on the 31st day of July, 2022.

A handwritten signature in black ink, appearing to read "Adam Cramton", written over a horizontal line.

Adam Cramton, Clerk