

ORDINANCE NO. 02-21

CITY OF HAZEL PARK
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND TITLE 5, HEALTH AND SAFETY, ADDING CHAPTER 5.30, ENTITLED FOOD TRUCKS, WHICH SHALL REGULATE FOOD TRUCKS AND MOBILE FOOD VENDING IN THE CITY OF HAZEL PARK AND ADOPT PUBLIC ACT 92 OF 2000, AS AMENDED, AND SUBSEQUENT AMENDMENTS.

THE CITY OF HAZEL PARK ORDAINS:

PART I AMENDMENT.

Chapter 5.30 - Food Trucks

Section 5.30.010 - Intent and adoption

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Hazel Park, while providing a framework under which such businesses operate, this chapter is established, and to adopt Public Act 92 of 2000, as amended, and subsequent amendments.

Section 5.30.020 - Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- A. "FOOD TRUCK" means a self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.
- B. "MOBILE FOOD VENDING" means 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, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.
- C. "MOBILE FOOD VENDING UNIT" means any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- D. "VENDOR" means any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart,

food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

- E. "OPERATE" means all activities associated with the conduct of including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

Section 5.30.030 - Permit required

- A. No vendor shall engage in mobile food vending without a permit that is reviewed by the City Manager's office and issued by City of Hazel Park Clerk's office, authorizing such vending. The Hazel Park City Council shall prescribe the form of such permits and the application for such permits.
- B. All permits shall be prominently displayed on the mobile food vending unit. A permit for vending shall not be issued by the Clerk's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.

Section 5.30.040 - Duration of permit; non-transferability

Permits issued by the City of Hazel Park Clerk's office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this chapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

Section 5.30.050 - Application for permit

The application for a food truck license shall include:

- A. The name of the establishment or business; the establishment or business address, including county of location;
- B. The name of the establishment or property owner, the owner's address, phone number and email of the property owner;
- C. A copy of the food service establishment license issued by the Oakland County Health Department;
- D. A copy of the food truck operator's driver's license and copy of registration of the vehicle with the State of Michigan's Secretary of State;

- E. Proof of an insurance policy in an amount not less than \$100,000.00 for property damage and injuries, including injury resulting in death caused by the operation of the food truck; and
- F. A site map indicating the location of the vendor proposes to operate the food truck.

Section 5.30.060 - Single-event permits

A single-event application is also available from the City of Hazel Park's Clerk office for vendors wishing to operate a food truck or mobile food vending unit during a special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as set forth by resolution by Hazel Park City Council. Single event vendors shall comply with all annual permit requirements contained in Section 5.30.080 except subsections 5.30.080(A) and 5.30.080(J).

Section 5.30.070 - Fees

An application for a permit shall be accompanied by a fee in the amount established by resolution by the Hazel Park City Council. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Clerk's Office.

Section 5.30.080 – Annual Permit Requirements

Any vendor engaging in mobile food vending shall comply with the following requirements:

- A. Food trucks/mobile food vending units shall only operate in districts zoned LB, LB-M, BC-1 and M-1, or Planned Unit Development Districts, or other districts approved by the Hazel Park City Council.
- B. Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the City Manager's Office. No food service shall be allowed on the driving lane side of the mobile food vending unit.
- C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
- D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.

- E. Vendors shall not place equipment outside the trucks, including tables, other dining furniture, fixtures, and equipment without review by the City Manager or his/her designee.
- F. Vendors must be licensed with the Oakland County Health Department and provide proof of license to the City of Hazel Park.
- G. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- H. Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of Hazel Park.
- I. There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.
- J. No food truck may be parked on an unimproved surface, including, but not limited to grass, dirt, gravel or any other surface. The vendor's food truck must be parked on a code-approved asphalt or concrete surface.
- K. A vendor's food truck may not be parked or stored on private property for more than a four (4) day period without being open or operating at that location.
- L. The vendor's food truck must remain licensed with the State of Michigan's Secretary of State in good and working order. No unlicensed or inoperable food truck may operate, park or be stored at a permitted location.
- M. No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If the unit is not self-contained and requires electric service, a permit issued by the City of Hazel Park Building Department is required.
- N. Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- O. Vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

Section 5.30.090 - Other permits

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

Section 5.30.100 - Suspension or revocation of license

Any license issued under this article may be suspended or revoked for any of the following reasons:

- A. Fraud or misrepresentation in the application for the license.
- B. Fraud or misrepresentation in the course of conducting business.
- C. The vendor fails to meet any requirement of this chapter or violates any other federal, state or local law, ordinance or regulation; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
- D. Intervention by the Oakland County Health Department due to uncorrected health or sanitation violations.
- E. Upon suspension or revocation, the City shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

Section 5.30.110 - Appeals

Vendors whose licenses under this article have been suspended or revoked may appeal by filing a written notice of appeal with the City Clerk in accordance with Section 5.03.150 of the Hazel Park Code of Ordinances

Section 5.30.120 - Civil infraction

Any person violating any of the provisions of this chapter shall be responsible for a civil infraction. A person found responsible for a civil infraction shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred (\$500.00). Each day that a violation exists shall be deemed a separate offense.

PART II. SAVINGS CLAUSE

The amendment of Title 5, Business Licenses and Regulations, adding Chapter 5.30, entitled Food Trucks and does not affect or impair any act done, offense committed, or right accruing or accrued or liability, penalty, forfeiture, or punishment, pending or incurred to these amendments.

PART III. REPEAL

This ordinance hereby repeals any ordinance which conflicts with the provisions hereof.

PART IV. EFFECTIVE DATE; PUBLICATION

The provisions of this ordinance shall become effective ten days after its publication. It shall be published within ten days of its adoption by way of a brief notice in a newspaper circulated in the City stating the date of the adoption and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance, and such other facts as the Clerk deems pertinent. A copy of the ordinance is available for purchase and/or inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAZEL PARK, OAKLAND COUNTY, MICHIGAN ON THE 13 DAY OF APRIL 2021.


MICHAEL WEBB, MAYOR


Date of Adoption: 4/13/2021

Date of Publication: 4/21/2021

Effective date: 4/30/2021

CERTIFICATE OF ADOPTION

It is hereby certified that the foregoing is a true and complete copy of an Ordinance passed at a meeting of the Hazel Park City Council, held on the 13 day of April 2021.


JAMES FINKLEY, CITY CLERK
