

**TOWNSHIP OF RICHLAND
KALAMAZOO COUNTY, MICHIGAN
ORDINANCE NO. 275**

**MOBILE FOOD TRUCKS AND TRAILER FIRE SAFETY REQUIREMENTS
ORDINANCE**

**ADOPTED: JULY 16, 2019
EFFECTIVE: AUGUST 24, 2019**

An Ordinance to protect the public health, safety and welfare by requiring mobile food trucks and trailers used within the Township of Richland to meet certain minimum standards for general safety, and fuel and power sources; to address operational and propane system safety; to provide an effective date; to repeal ordinances in conflict herewith; and to provide penalties for violation hereof.

**SECTION 1
NAME AND PURPOSE**

This ordinance shall be known and cited as the Richland Township Mobile Food Trucks and Trailer Fire Safety Requirements Ordinance. The purpose is to protect the public health, safety and welfare by requiring mobile food trucks and trailers used within the Township of Richland to meet certain minimum standards for general safety; and fuel and power sources; to address operational and propane system safety; to provide an effective date; to repeal ordinances in conflict herewith; and to provide penalties for violation hereof.

**SECTION 2
DEFINITIONS**

The following definitions shall apply to this Ordinance:

- a. Food Truck - shall mean a self-propelled structure with motor in which food is prepared and served through a window on the truck. Food trucks do not have interior seating.
- b. Food Trailer –shall mean a portable structure on wheels which is not self-propelled and is capable of being towed in which food is prepared, served and sold through a window on the trailer.
- c. “In use” as utilized in this ordinance shall mean preparing to, serving, or selling food from the food truck or food trailer. “In use” does not refer to a food truck or food trailer that is parked or stored in the

township on the property of the food truck or trailer owner while not serving food or preparing to serve food.

- d. References to "NFPA" shall mean the "National Fire Protection Association". Book number and section references are provided for ease of the public.

SECTION 3 **REQUIREMENTS**

An operator of a food truck or food trailer serving or preparing to serve food for sale and/or human consumption within the Township of Richland is required to adhere to the following requirements in addition to the requirements of any other ordinance and state law for food service:

- a. Obtain permits from the Township of Richland Fire Chief prior to service. [1:1.12.8(a)]; the Fire Chief or his designee shall inspect the mobile food truck or trailer prior to issuance of the permit. See Section 8 of this ordinance for inspection parameters.
- b. There shall be no public seating within the food truck or food trailer.
- c. A food truck or food trailer in use shall be located at least 10 feet away from buildings, structures, vehicles, and any combustible materials. [96:B.13.1; B.13.2]
- d. A food truck or food trailer in use shall ensure that fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4]
- e. A food truck or food trailer in use shall provide clearance for the fire department to access nearby fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5]
- f. A food truck or trailer in use that utilizes combustible media for cooking shall provide an approved fire extinguishing system. [96:10.1.2]
- g. A food truck or food trailer in use shall install portable fire extinguishers in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3]
- h. A cooking appliance in a food truck or food trailer that produces grease-laden vapors shall be protected by listed fire-extinguishing equipment. [96:14.7.1]
- i. A food truck or food trailer in use shall ensure that all workers present are trained in the proper use of fire extinguishers and extinguishing systems. (96:B.15.1; 10.1.2).
- j. All employees of a food truck or food trailer in use shall know the proper method for shutting off fuel sources ([96:10.4.1]; the proper procedure for notifying the local fire department [1:10.14.9 for carnivals only]; and the proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17]

- k. A food truck or food trailer in use shall install and provide wheel chocks to prevent mobile and temporary cooking units from moving. [96: B.21.5]
- l. A food truck or food trailer operator shall keep and maintain all record-keeping documents in one location on the mobile cooking operation and shall make such records available to the fire department of the Township of Richland upon request.

SECTION 4

FOOD TRUCK AND FOOD TRAILER OPERATIONAL SAFETY

In order to protect the public health, safety and welfare and in addition to the other requirements of this Ordinance, a food truck or food trailer operator of a food truck or food trailer in use in the township shall adhere by to following operational safety requirements:

- a. The operator shall not leave cooking equipment unattended while it is still hot.
- b. The operator shall only operate or permit the operation of cooking equipment only when all windows, service hatches, and ventilation sources are fully opened unless weather conditions require the retaining of interior heat. [96:14.2.2; 96:14.2.3]
- c. The operator shall ensure that all gas supply piping valves and gas container valves are fully closed when the equipment is not in use. [58:6.26.8.3]
- d. The operator shall ensure that all cooking equipment, including the cooking ventilation system, is regularly cleaned and grease removed. [96:11.4]
- e. All mobile or temporary cooking operations shall be separated from other mobile or temporary cooking operations by a clear space distance of 10 ft. [96:B13.2]
- f. The address of the current operational location for all food trucks or food trailers in use in the township shall be posted accessible to all employees. [96:B.15.6]

SECTION 5
FUEL AND POWER SOURCE REGULATIONS APPLICABLE TO FOOD TRUCKS
AND TRAILERS

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Township of Richland shall be required to adhere to the following regulations regarding the cooking fuel and power source(s):

- a. Prior to commencing cooking, the operator shall verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1]
- b. Refueling shall only be permitted during non-operating hours. [96:B.18.3]
- c. Any engine-driven source of power shall be separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2]
- d. Any engine-driven source of power shall be turned off and completely shut down prior to refueling from a portable container.
- e. Prior to refueling from a portable container, the operator shall verify that surfaces of engine-driven source of power are cool to the touch.
- f. An operator shall ensure that all electrical appliances, fixtures, equipment, and wiring comply with the NFPA 70®. [96:B.18].
- g. An operator shall ensure that exhaust from engine-driven sources of power comply with the following:

The source of exhaust shall be located at least 10 ft in all directions from openings and air intakes [96:B.13]

The source of exhaust shall be located at least 10 ft from every means of egress [96:B.13]

The source of exhaust shall be directed away from all buildings [1:11.7.2.2]

The source of exhaust shall be directed away from all other cooking vehicles and operations [1:11.7.2.2]

SECTION 6
PROPANE SYSTEM INTEGRITY

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Township of Richland which utilizes propane for cooking fuel shall adhere to the following regulations regarding the propane system integrity prior to placing such unit in use in the township:

- a. The operator shall ensure that the main shutoff valve on all gas containers is readily accessible at all times. [58:6.26.4.1(3)]
- b. The operator shall ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4]
- c. The operator shall perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17]
- d. The operator shall perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17]
- e. The operator shall ensure that where a gas detection system is installed, that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.2]
- f. The operator shall document all leak testing and shall make documentation available for review by the authorized official. [58:6.26.5.1(M)]
- g. The operator shall ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)]

SECTION 7

SOLID FUEL REGULATIONS FOR FOOD TRUCKS AND FOOD TRAILERS

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Township of Richland which utilizing solid fuel (wood, charcoal, or other fuel) for cooking shall adhere to the following additional regulations prior to placing such unit in use in the township:

- a. Such fuel shall not be stored above any heat-producing appliance or vent. [96:14.9.2.2]
- b. Such fuel shall not be stored closer than 3 ft to any cooking appliance. [96:14.9.2.2]
- c. Such fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7]
- d. Such fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4]
- e. Ash, cinders, and other fire debris shall be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1; 96:14.9.3.6.2]

- f. Removed ashes, cinders, and other removed fire debris must be placed in a closed, metal container located at least 3 feet from any cooking appliance. [96:14.9.3.8]

SECTION 8 **INSPECTION**

- a. Inspections shall not be required for mobile food trucks or trailers that can establish by documentary evidence that it has passed a Grand Rapids or Kalamazoo City food truck/trailer inspection in the last 12 months.
- b. Requests for inspection must be made to the Township Fire Chief at least two weeks prior to the date of opening/sale/use. If requests for inspection and licenses are made within two weeks of potential use/opening/sales/use date, the Fire Chief has discretion to undertake the inspection or deny the application as untimely.
- c. A fee for inspection and application shall be charged to the applicant along with the application. The Township Board shall set the Food Truck/Trailer inspection and application fee established by the Richland Township Board's Fee Schedule. If a mobile food truck/trailer is not required to undertake an inspection as authorized in Section a. above, only the application fee shall be required.

SECTION 9 **VIOLATION AND PENALTY**

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance or fails to adhere to a site plan approved hereunder; fails to obtain a permit, or fails to provide fire safety equipment or inspections as required herein; fails to adhere to the parameters of a permit issued, fails to remove a temporary structure or otherwise violates any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$150.00	\$500.00
2nd Offense within 3-year period*	\$250.00	\$500.00
3rd Offense within 3-year period*	\$325.00	\$500.00
4th or More Offense	\$500.00	\$500.00

within 3-year period*

- * Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Richland has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION 10

SEVERABILITY AND SAVINGS CLAUSE

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. Any matters, cases or prosecutions presently pending under an ordinance or ordinance provision that is repealed by this Ordinance may proceed to its natural conclusion as if such provision was in full force and effect.

SECTION 11

REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed. Township of Richland Ordinance No. 271 adopting the NFPA 1 of 2018 as the Township Fire Code is hereby specifically deemed not to be in conflict herewith and no provision thereof is repealed by this ordinance.

SECTION 12

EFFECTIVE DATE

This ordinance shall take effect 30 days after publication, after adoption.

TOWNSHIP OF RICHLAND
Bear Priest, Clerk

Richland Township Fire Department Application for Mobile Food Vehicles

Name of Business Owner _____ Date of
Birth ____ / ____ / ____
Driver's License Number: _____ State
Issued: _____
Home Address _____
City _____ State _____ Zip Code _____
Business Name _____
Business Address _____
City _____ State _____ Zip Code _____
Telephone Number (____) _____ (____) _____

This Vehicle has the Following Fuel and Cooking Operations

- ☐ Propane (LPG) ☐ Compressed Natural Gas (CNG) ☐ Generator ☐
Solar
☐ Stove ☐ Oven ☐ Deep Fryer ☐ Hood System
☐ Automatic Fire Suppression

Email: _____

Website: _____

License Plate: _____

Vehicle Identification Number _____ Year
Built _____

Vehicle Insurance Policy Number _____

Vehicle Insurance Provider _____

Address of Insurance Provider _____

City _____ State _____ Zip Code _____

Insurance Provider Telephone (____) _____

By signing below, I _____ affirm that all the above to be true and correct. Further, I am the responsible party for all safe operations to be conducted in the Mobile Food Vehicle listed and doing business within Kalamazoo County, Michigan.

Applicant
Signature: _____ **Date:** _____

Applicant Printed Name: _____

Applicant
Signature: _____ **Date:** _____

This Vehicle was inspected by, Gerald Luedecking, Township of Richland Fire Chief:

_____ On this date ____/____/____

CLERK'S CERTIFICATE

I, Bear Priest, Township Clerk of the Township of Richland, Kalamazoo County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Richland Township Board held on July 16, 2019, at 7:00 o'clock p.m., at the Richland Township Hall, located at 7401 North 32nd Street, Richland, Michigan, at which the following members were present, the Board enacted and passed Ordinance No. 275, hereinbefore recorded, to become effective August 24, 2019, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Lysanne Harma	Yes
Bear Priest	Yes
Marsha Drouin	Yes
Paul Foust	Yes
Dave Wendzel	Yes
Nicole Speedy	Yes

I do further certify that all in accordance with Township Board direction, a summary of the Ordinance as adopted was published in the Kalamazoo Gazette, a newspaper printed in Kalamazoo, and circulated in Richland Township on, Thursday, July 25, 2019; a copy of Ordinance No. 275 was posted at the Township Hall on July 30, 2019; and that said Ordinance No. 275 was recorded in the official Ordinance Book on July 30, 2019.

Dated: July 30, 2019

Bear Priest
Bear Priest, Clerk

ATTEST:

Lysanne Harma
Lysanne Harma, Supervisor