

**ACME TOWNSHIP
MOBILE FOOD VENDING ORDINANCE
ORDINANCE NO. 2016-02
AMENDED APRIL 4, 2017
AMENDMENT 2023-03**

Section 1 INTENT

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Acme Township, while providing a framework under which such businesses operate, this ordinance is established.

Section 2 DEFINITIONS

- a. *Mobile Food Vending* shall mean 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, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- b. *Mobile Food Vending Unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- c. *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- d. *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business

Section 3 PERMIT REQUIRED

No vendor shall engage in Mobile Food Vending without a permit from the Township Zoning Administrator authorizing such vending. The Township Zoning Administrator shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the Mobile Food Vending Unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance.

Section 4 DURATION; NON-TRANSFERABILITY

Permits may be issued by the Township Zoning Administrator for a calendar year from the date of issuance. Any permit issued under this Ordinance is non-transferable from Vendor to Vendor, or from Mobile Food Vending Unit to Mobile Food Vending Unit.

Section 5 APPLICATION

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the Township Zoning Administrator for a permit under this Ordinance. The applicant shall truthfully state, in full, all information requested by the Township Zoning Administrator and be accompanied by a fee established by resolution of the Acme Township Board. Additionally, the applicant shall provide all documentation, such as insurance, as required by the Township.

Section 6 FEES

An application for a permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator. A Mobile Food Vending Unit owned by a business on the Township's tax rolls whose normal business operations include the sale of food and/or beverages will be exempt from this fee. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Ordinance.

Section 7 REQUIREMENTS

Any vendor engaging in Mobile Food Vending shall comply with the following requirements:

1. Mobile Food Vending Units shall only operate in districts zoned Corridor Commercial (C), Corridor Flexible (CF), Light Industrial Warehousing (LIW), and Agricultural (A1) where not prohibited through condition of a special use permit; or on properties approved through a Special Open Space Use, Mixed Used Planned Development, Planned Development, or Institutional Uses.
2. Vendors shall not operate on Township-owned property or on public streets. If operating on a private street the customer service area for Mobile Food Vending Units shall be on the curb lawn or sidewalk when parked. No food service shall be allowed on the driving lane side of the Mobile Food Vending Unit.
3. No food shall be sold, prepared or displayed outside of the Mobile Food Vending Unit.
4. Not operate within 150 feet of a township-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor. For the purpose of this provision the measurement shall be taken from the nearest property boundary of the township-authorized event and the location of the Mobile Food Vending Unit.
5. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
6. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
7. 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 Township.
8. May have only one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
9. Mobile Food Vending Units shall not be parked within 150 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business. For the purpose of this provision the measurement shall be taken from the nearest point on the existing restaurant building and the location of the Mobile Food Vending Unit.
10. No Vendor shall provide or allow any dining area within ten (10) feet of the Mobile Food Vending Unit, including but not limited to tables and chairs, booths, stools, benches or stand up counters.
11. Shall not 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.
12. Comply with all applicable federal, state and county regulations.
13. Not represent the granting of a permit under this Ordinance as an endorsement by the Township.

Section 8 OTHER PERMITS

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

Section 9 REVOCATION

The Township Zoning Administrator shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Ordinance or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare. Immediately upon such revocation, the Township Zoning Administrator shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

Section 10 COMPLAINTS; APPEALS

If a written complaint is filed with the Township Zoning Administrator alleging a Food Vendor has violated the provisions of this Ordinance, the Township Zoning Administrator shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Township Zoning Administrator, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the Township Zoning Administrator, or if a written complaint is certified pursuant to this Ordinance, the applicant or holder of a permit may appeal to and have a hearing before the Township Supervisor. The Township Supervisor shall make a written determination, after presentation by the applicant and investigation by the Township Zoning Administrator, as to whether or not the grounds for denial, revocation or complaint are true. If the Township Supervisor determines that such grounds are supported by a preponderance of the evidence, the action of Township Zoning Administrator or filing of the complaint shall be sustained and the applicant may appeal the Township Supervisor's decision to a court of competent jurisdiction.

Section 11 VIOLATIONS

The County Sheriff and sworn officers of the Grand Traverse County Sheriff Department, or such other officials as designated by the Township Supervisor, are authorized to issue and serve a municipal civil infraction ticket subject to a \$500.00 fine per day to any vendor who violates this Ordinance.

This ordinance originally adopted August 9, 2016, and effective September 19, 2016. This amended ordinance was adopted at a regular Acme Township Board of Trustees Meeting on March 7, 2023. A Notice of Adoption for this ordinance was published in the Record Eagle March 11, 2023 and this ordinance became effective thirty (30) days later on April 10, 2023.

Ayes: Aukerman, Hoxie, Jenema, Scott, Swanson White

Nays:

Abstain:

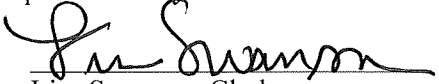
ACME TOWNSHIP



Doug White, Supervisor

CERTIFICATION

I, Lisa Swanson, being the duly elected and acting Clerk of Acme Township, Grand Traverse County, Michigan, hereby certify that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Acme Township Board of Trustees at a regular meeting held on March 7, 2023, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.


Lisa Swanson, Clerk