

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

**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), Material Processing and Warehousing (B-4), Planned Shopping Center (B-3), and Agricultural (A-1) 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 was originally adopted August 9, 2016, and effective September 19, 2016. This amended ordinance, allowing for the operation of mobile food vending in the Agricultural District (A-1) was adopted April 4, 2017 and will be effective thirty (30) days following publication.

**Ayes:** Aukerman, Dye, Jenema, Nelson, Scott, Zollinger

**Nays:** none

**Absent:** White

  
Jay Zollinger, Supervisor

  
Cathy Dye, Clerk

Date: 4/5/17

Date: 4-5-17

T. C. RECORD-EAGLE, INC.  
120 WEST FRONT STREET  
TRAVERSE CITY MI 49684  
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT

Printed at 04/05/17 09:24 by dling

Acct #: 6

Ad #: 460868

Status: N

ACME TOWNSHIP  
CATHY DYE, CLERK  
6042 ACME ROAD  
WILLIAMSBURG MI 49690

Start: 04/08/2017 Stop: 04/08/2017  
Times Ord: 1 Times Run: \*\*\*  
STDAD 3.00 X 3.67 Words: 178  
Total STDAD 11.01  
Class: 147 LEGALS  
Rate: LEGAL Cost: 79.25  
# Affidavits: 1

Contact:

Phone: (231)938-1350

Fax#: (231)938-1510

Email: szollinger@acmetownship.org

Agency:

Ad Descript: LEGAL NOTICE TOWNSHIP OF  
Given by: EMAIL SHAWN WINTER  
Created: dling 04/05/17 09:17  
Last Changed: dling 04/05/17 09:23

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	04/08/17	1	04/08/17	SMTWTFS
IN	AIN	97	W	04/08/17	1	04/08/17	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

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T. C. RECORD-EAGLE, INC.  
120 WEST FRONT STREET  
TRAVERSE CITY MI 49684  
(231) 946-2000

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 04/05/17 09:24 by dling

Acct #: 6

Ad #: 460868

Status: N

LEGAL NOTICE  
TOWNSHIP OF ACME  
NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the ACME TOWNSHIP BOARD OF TRUSTEES at its regular meeting held on April 4, 2017 at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, adopted the following amendment to the Mobile Food Vending Ordinance 2016-02 to make the following changes:

**#2016-02 ACME TOWNSHIP MOBILE FOOD VENDING ORDINANCE AMENDMENT**

The amendment to the ordinance will allow mobile food vending units to operate in the Agricultural (A-1) Zoning District by including the district in the list of eligible locations under Section 7, Item 1 of the ordinance.

This Ordinance shall become effective 30 days after publication. Effective date: May 14, 2017.

A copy of said Ordinance in its entirety may be inspected at the Acme Township Hall Monday through Thursday, from 7:30 a.m. to 6:00 p.m. The Ordinance is also available on the Acme Township website: [www.acmetownship.org](http://www.acmetownship.org). Written comments regarding the amendment may be directed to:

Cathy Dye  
Acme Township Clerk  
cdye@acmetownship.org  
Acme Township  
6042 Acme Road  
Williamsburg MI 49690  
(231) 938-1350

April 8, 2017-1T

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