

**TOWNSHIP OF TUSCARORA**  
**CHEBOYGAN COUNTY, MICHIGAN**

**ORDINANCE NO. 39**

AN ORDINANCE TO AMEND TITLE XI BUSINESS REGULATIONS BY CREATING CHAPTER 114 ENTITLED "FOOD TRUCKS/MOBILE FOOD VENDING UNIT LICENSE" OF THE TOWNSHIP OF TUSCARORA CODE OF ORDINANCES PROVIDING FOR THE LICENSING OF MOBIL. FOOD VENDING UNITS WITHIN THE TOWNSHIP. REPEALEAR. SEVERALABILITY, PENALTIES AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF TUSCARORA:

Section 1, Title XI, Chapter 114, Section of the Code of Ordinances, Township of Tuscarora, Michigan shall be created to read as follows:

**Sec.14.01. - Intent.**

The intent of this section is to encourage mobile food vendors that will provide food service options in underserved areas, promote entrepreneurial activity, and increase vibrancy and culture to the township.

**Sec.14.02. - Definitions.**

*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.

*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.

*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.

*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.

*Village Center Indian River District (VC-IR)* means that zoning district as defined the Cheboygan County Zoning Ordinance 200 as amended.

*Village Center Indian River Overlay District (VC-IR-O)* means that zoning district as defined the Cheboygan County Zoning Ordinance 200 as amended.

**Sec. 14.03. Mobile food vending locations.**

(a) Public property. Mobile food vending shall only be allowed on public property as permitted uses within the Village Center Indian River District VC-IR pursuant to Cheboygan County Zoning Ordinance 200 and amendments thereto, when part of an approved public or private event.

(b) Mobile food vending units are prohibited on any property within the Village Center Indian River Overlay District (VC-IR-O) pursuant to Cheboygan County Zoning Ordinance 200 and amendments thereto.

(c) Private property. Mobile food vending on private property shall only be allowed in commercial or industrial districts and must include a parking plan review.

In a residential district, mobile food vending on private property shall only be allowed as part of a private event and shall only serve food to event attendees and not members of the public. Mobile food vending on private property shall not be allowed to utilize public property including, but not limited to, street rights-of-way and Village Center Indian River Overlay District (VC-IR-O).

**Sec. 14.04. Local License required.**

(1) No vendor shall engage in mobile food vending without a license issued by the Township authorizing such operation. No vending through a mobile food vending unit of food and/or other human consumables shall be licensed unless it meets the definition of mobile food vending as defined by this chapter from the township clerk authorizing such vending. The township clerk shall prescribe the form of such licenses and application for such license in accordance with the mandates of this chapter.

(2) All mobile food vending units must be inspected and obtain approval by the Cheboygan County Health Department prior to any license being granted by the Township.

(3) All licenses, including any required Federal or State and other local permits or licenses to operate the Mobile Food Vending Unit shall be prominently displayed on the mobile food vending unit.

**Sec.14.05. Duration; non-transferability.**

Licenses may be issued by the township clerk expiring at the end of each calendar year. Any license issued under this chapter is non-transferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

**Sec. 14.05. Application.**

Every vendor desiring to engage in mobile food vending shall submit a completed application to the township clerk for a license under this chapter. In the event there results a change in the approved location of the mobile food vending unit, an applicant shall submit an amended application to the township clerk and Cheboygan County Zoning department for administrative review/approval or denial.

The applicant shall truthfully state, in full, all information requested by the township clerk and be accompanied by a fee established by resolution of the township board. The application shall be approved as to form and substance by the Township Board.

**Sec. 14.06. Fees.**

An application for a license under this chapter shall be accompanied by a fee in the amount established by resolution of the Township Board. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the township clerk. No one shall hire or subcontract such vendors to evade the provisions of this chapter.

**Sec. 14.07. Requirements.**

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

(1) A mobile food vending unit shall meet applicable requirements of the Cheboygan County Health Department, including but not limited to the requirements for inspections and plan reviews as well as the regulations and standards forth in Cheboygan County Zoning Ordinance 200, as amended, regarding Mobile Food Units.

(2) No food shall be sold, prepared or displayed outside of the mobile food vending unit while on the location approved for the license.

(3) Provide appropriate waste receptacles as required by Cheboygan County Zoning Ordinance 200, as amended, at the site of the mobile food vending unit and remove all litter, debris and other waste attributable to the vendor or customers on a daily basis.

(4) Mobile food vendors shall not use any flashing, blinking or strobe lights, or similar effects to draw attention to the mobile food vending unit; all exterior lights over 60 watts shall contain opaques, hood shields to direct the illumination downward.

(5) Mobile food vendors shall not use loud music, amplification devices, or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the township.

(6) There shall be no signage used by mobile food vendors except for what is allowed on the mobile food vending unit itself in accordance with Cheboygan County Zoning Ordinance 200, as amended.

(7) Mobile food vending units 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 across any street, alley or sidewalk.

(8) Mobile food vendors shall comply with all applicable township ordinances, as well as applicable county and state laws.

**Sec. 14.08. Impoundment.**

Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

**Sec. 14.09. Other licenses.**

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

**Sec. 14.09. Revocation and appeal.**

The township clerk shall revoke the license of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is detrimental to the protection of the public health, safety and welfare.

Immediately upon such revocation, the township clerk shall provide written notice of revocation and the time requirements for an appeal of revocation to the license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void. The licensee may appeal such revocation by requesting a hearing within 30 days of notice of revocation.

**Sec. 14.10. Complaints and appeal.**

(1) If a written complaint is filed with the township clerk alleging a food vendor has violated the provisions of this chapter, the township clerk 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 clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.

(2) The Township Clerk shall revoke the license of any mobile food vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates and any other federal, state, or local law, ordinance, or regulations, makes a false statement on the permit 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 Clerk shall provide written notice to the license holder by certified mail to the address indicated on the application.

(3) If a license is denied or revoked by the township clerk, or if a written complaint is certified pursuant to this chapter, the applicant or holder of a license may appeal to and have a hearing before the Township Board. The Township Board shall make a written determination, after presentation by the applicant and investigation by the township clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the Township Board determines that such grounds are supported by a preponderance of the evidence, the action of township clerk or filing of the complaint shall be sustained and the applicant may appeal the Township Board's decision to a court of competent jurisdiction.

Sec. 14.11 - Violation and penalty.

A violation of this chapter is responsible for a municipal civil infraction and subject to a fine not to exceed \$500.00. Each day that a violation continues shall be deemed to be a separate violation.

#### Section 2. SEVERABILITY

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

#### Section 3. REPEAL

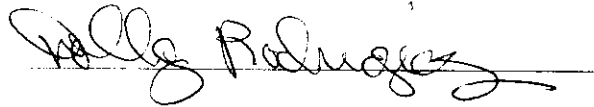
All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### Section 4. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days from the date of publication hereof.

CERTIFICATION

I hereby certify the foregoing is a true and complete copy of Ordinance No. 39 duly adopted by the Board of Trustees of the Township of Tuscarora at a Regular Meeting held on May 11, 2021, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.



Dolly Rodriguez, Clerk

Adoption Date: May 11, 2021

Publication Date: May 20, 2021

Effective Date: June 20, 2021