

NOTICE OF ADOPTION

The City of Wyandotte Code of Ordinances has been amended as follows:

Amendment #1544

**AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND CHAPTER 116: FOOD AND DRINK ESTABLISHMENTS OF
THE WYANDOTTE CODE OF ORDINANCES BY ADDING THE SECTION TITLED “FOOD
TRUCKS”**

The City of Wyandotte Ordains:

Section 1. Amend Chapter 116: Food and Drink Establishments by adding the section titled Food Trucks as follows:

FOOD TRUCKS

§116.070. Purpose And Intent.

It is the purpose and intent of this ordinance to permit the operation of food trucks that add to the vibrancy and desirability of the city and events, while providing a framework under which such businesses operate; and protect the health, safety and welfare of the city, residents and visitors.

The provisions of this ordinance apply to food trucks engaged in the business of cooking, preparing and distributing food or beverage, with or without charge, upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

§116.071. Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meanings set forth in this section.

Approved location: a location that has been approved for a food truck by the City of Wyandotte with proper applications, payments and documentations submitted, reviewed and approved.

City: the City of Wyandotte.

Food service establishment: as defined in Section 1107(t) of the Michigan Food Law – Act 92 of 2000.

Food warehouse: a food establishment that stores or distributes food for wholesale.

Food Truck: a mobile food establishment or a special transitory food unit, or a mobile food vehicle. It includes motorized vehicles (such as a van) or trailer, equipped to cook, prepare, serve, and/or sell food. This includes vehicles with on-board kitchens which prepare food from scratch, or heat up food that was prepared in a brick and mortar commercial or residential kitchens. Food trucks may also sell hot and cold beverages.

Helper: a person who has a Michigan Food Handler’s license, working as an assistant to a licensed vendor in the sale of food, beverages or goods from an approved food truck.

Mobile food establishment (MFE): a food service establishment operating from a vehicle or a trailer, which returns to a food establishment commissary for servicing and maintenance at least once every twenty-four (24) hours.

Mobile food establishment commissary: an operation with the ability to service a mobile food establishment.

Mobile Food Vehicle: a food establishment operating from a vehicle or watercraft that returns to a licensed commissary for servicing and maintenance at least once every 24 hours.

Non-Wyandotte Brick and Mortar Business/Restaurant: A brick-and-mortar business refers to a traditional type of business that operates from a physical location, such as a store, office, or facility where customers can visit outside of Wyandotte, Michigan to avail products or services.

Person: an individual, corporation, association, sole proprietorship, partnership, or other legal entity.

Private Property: Private property refers to land, possessions, or assets that are owned by individuals, businesses, or entities rather than being owned or controlled by the government or the public collectively.

Public right-of-way: paved public streets and alleys dedicated for the passage of vehicles and pedestrians, including abutting traffic lanes, parking lanes, sidewalks and berms.

Sidewalk: a paved portion of any public right-of-way within the City of Wyandotte primarily used for pedestrian traffic.

Special transitory food unit (STFU): a temporary food establishment licensed to operate in the State of Michigan without fourteen (14) day limits, or a mobile food establishment that is not required to return to a commissary.

Street: the paved portion of any public right-of-way in the City of Wyandotte reserved for vehicular traffic.

Traffic lane: means a portion of roadway dedicated to vehicles moving where standing, or parking of motor vehicles is prohibited.

Vehicle: a self-propelled motor vehicle used by a vendor which is designed for transit on streets and highways.

Vendor: any person who sells food or goods from a food truck in a public right of way, or on private property, in the City of Wyandotte, including the operation of a mobile food establishment, special transitory food unit or motor food vehicle. This definition includes permit holder.

Wyandotte Brick-and-Mortar Business/Restaurant: A brick-and-mortar business refers to a traditional type of business that operates from a physical location, such as a store, office, or facility where customers can visit in Wyandotte, Michigan to avail products or services.

§116.072. Permit Required, Duration and Non-Transferable.

(A) General. No vendor shall engage as a food truck without a permit from the City of Wyandotte authorizing such vending. The Special Events Coordinator shall prescribe the form of such permits and application for such permits which forms must be in accordance with the provisions of this ordinance. All permits shall be prominently displayed on the food truck. No vending through a food truck shall be permitted unless it meets the definitions of this ordinance. A permit issued under this ordinance shall not be transferable from person to person. A permit is valid for one food truck and shall not be transferred between food trucks.

(B) Procedure. The Special Events Coordinator shall distribute the application to the Wyandotte Fire Department and Engineering Department for review and scheduling of inspections. Requests to use city owned property or special events must first obtain City Council approval. All fees shall be payable to the City of Wyandotte with the application. The Special Events Coordinator will issue the permit to the vendor when all requirements of the ordinance are satisfied. If the permit is denied, the Special Events Coordinator will notify the vendor.

(C) Permit duration. A permit allows the vendor to operate in the city for the duration noted on the permit. The permit application notes timeline options as follows:

- (1) One day permit
- (2) One day per month for one year
- (3) Yearly
- (4) Event dates

(D) Permit Categories:

- Wyandotte Business/Restaurant
- Non-Wyandotte Business/Restaurant
- Private Property and Public Property Use

(E) Permit Exemptions:

- Any school or government-sponsored food truck operating on school or government property.
- Any other event approved by the City Council.

(F) The City Engineer in consultation with the Department of Public Works, Wyandotte Police Department and Wyandotte Fire Department is authorized to designate such other streets, sidewalks, parts of streets or sidewalks, districts, or areas where it shall be unlawful for any vendor to operate or conduct the food truck, for the reason that, due to congested traffic conditions or the character of the neighborhood, the conduct of such business constitutes a public nuisance, or constitutes a hazard to public health or safety.

(G) The number of permits issued for food trucks in the city may be limited by public convenience and necessity. In determining public convenience and necessity, the City Engineer shall consider the number of permits issued, the demands of the public for food trucks, the vehicular and pedestrian traffic conditions, the impact on existing businesses in the area, whether such service would result in a greater hazard to the public, and such other related facts as may be deemed advisable or necessary. The

disapproval of a location for food truck by the City Engineer shall be final unless there is new information supporting approval of the vending location. The number of food trucks contracted to operate during city approved events or festivals shall be determined by the Special Events Coordinator applying the above criteria.

§116.073. Application.

The permit application shall include the following:

- (A) Name, signature, phone number, email contact and business address of the applicant.
- (B) A description of the food products and beverages offered for sale including the intended menu and prices.
- (C) Information on the food truck vehicle to include plate number, size, signage and any stands that will be with the set up.
- (D) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply, wastewater disposal, trash and debris clean up, noise and exhaust.
- (E) Copies of all necessary licenses and health permits issued by the Wayne County Health Department.
- (F) Copies of state permit and license requirements including business license (business tax certificate), mobile food establishment permit and food seller's permit.
- (G) Copy of permit holder's valid driver's license and insurance including automobile liability coverages as follows:
 - (1) Proof of General Comprehensive Liability policy with limits of no less than \$1 million Combined Single Limit Coverage issued by an insurer licensed to do business in the State of Michigan and which names the City of Wyandotte as an additional insured party.
 - (2) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than \$1 million issued by an insurer licensed to do business in the State of Michigan and which names the City of Wyandotte as an additional insured party.
- (H) Signed Hold Harmless Agreement by the permit holder and the owners of the private property where the food truck is to be located, and if applicable, the business owner requesting the food truck operation, indemnifying and holding harmless the city, its officers and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the permit holder, its employees, or agents carried on under terms of the permit.
- (I) The name and addresses of all helpers together with a copy of their current Michigan Food Handler's License.
- (J) A statement of the status of monies owed to the city by the vendor, property owner and business owner, including but not limited to, water bills, real property taxes, personal property taxes and miscellaneous fees. An application with any of the above fees owed to the city shall not be eligible for a permit.
- (K) A person or organization desiring to operate a special event / festival featuring food trucks shall make written application for a permit to the Special Events Coordinator and include all the information required under this ordinance for operation of a food truck in the Special Event Application.

§116.074. Locations for Food Trucks.

- (1) A vendor may operate a food truck in the public right-of-way within the extended property lines of any established place of business if the vendor is selling the same or similar food of the established business as an accessory use provided the business owner (and property owner if different) also sign the application. The requirements and restrictions of Wayne County must be complied with when applicable. A Hold Harmless Agreement must be signed by the vendor, business owner and property owner for that location.
- (2) A vendor may operate a food truck on, or in the public right-of-way abutting property zoned or used for residential purposes provided the owners of the residential property also sign the application. A Hold Harmless Agreement must be signed by the vendor and owners of the residential property. The duration for this permit shall be one (1) day per year.
- (3) A private event on private property.
- (4) A private event on city property as approved by City Council.
- (5) An event for employees on business owned property.
- (6) Private property serving the public.
- (7) A public event held on city property as approved by City Council.

(8) City approved (or sanctioned) Special Event locations.

Private property owner(s) must sign the application with the vendor, and if applicable, the business occupant. All these parties must sign the Hold Harmless Agreement with the vendor for the application to be approved.

§116.075. Rules and Regulations.

- (1) A food truck may only operate during the following hours:
 - (a) 9:00 A.M. – 9:00 P.M. in residential areas.
 - (b) 7:00 A.M. – 2:00 a.m. in nonresidential areas.
 - (c) 6:00 A.M. – 11:00 P.M. on private property within an area zoned for commercial use.
- (2) Operation of a food truck during a city approved event or festival shall be allowed by the Special Events Coordinator and shall not be subject to the requirements of §116.074.
- (3) All vendors shall comply with all requirements of state law and all applicable administrative rules.
- (4) While conducting business on any street, sidewalks, or public right-of-way in the city, vendors must comply with all provisions of the city ordinances that govern sidewalks, streets and public places, traffic, parking and motor vehicles.
- (5) A vendor, through the preparation and serving of food to be provided, shall not create noxious smoke or offensive odors which annoys, disturbs, injures or endangers the health, peace, safety, or comfort of others, including but not limited to the provisions of Chapter 94 of the Code of Ordinances “Health and Safety; Nuisances”.
- (6) All trash or debris accumulating within twenty (20) feet of any food truck shall be collected by the vendor and deposited in a trash container on a regular basis. All food truck vendors must provide trash receptacles adjacent to or as a part of their truck. The property owner, or business, which has received the permit for the vending operation, shall provide the vendor and patrons with appropriate containers for the disposal of such wastes within ten (10) feet of the location of the operation. Vendors may also rent trash receptacles from the city at an additional cost. It shall be unlawful for any food truck vendor, or anyone aiding or assisting in the operation of a food truck, to throw or deposit any goods, merchandise, packaging, containers, fat, grease, paper, or other liquid waste upon any alley, street or sidewalk, or in any sewer, in the city.
- (7) All waste originating from the food truck, shall be collected and disposed of off-site by the food truck vendor each day. Spills of food or food by-products shall be promptly cleaned up. No dumping of greywater on the street or in parks and storm drains is allowed. Food truck vendors shall take appropriate precautions to prevent spills or other damages to the public property as a result of their operation. Food trucks are responsible for all greywater, grease, and other food waste, which shall NOT be dumped or disposed of on or into public property, including but not limited to, sewers and storm drain and public trash receptacles.
- (8) No food truck vendor shall make or cause any unreasonable or excessive noise. No loud music or amplified announcements or noise are permitted. In addition, all generators must operate at a level of seventy (70) decibels or lower when measured from a distance of fifteen (15) feet. Initial inspection by the police or fire department shall include generator compliance.
- (9) Any electrical power required for a food truck operation which is located on a public right-of-way shall be self-contained, shall not create a hazard and shall not be drawn from electrical outlets in the public right-of-way unless permitted by the Electrical Department of Municipal Services.
- (10) Food trucks operated on private property may use electrical or other power from the property being occupied or a directly adjacent property if the property owner(s) provide(s) written consent to do so and in compliance with all city codes. No power cable or extension cord shall be extended on or across any city street, sidewalk, or public right-of-way unless approved by the City Engineer and must be done in a safe manner at all times to prevent tripping.
- (11) No food truck is allowed within twenty (20) feet of a fire hydrant.

- (12) No food truck vendor shall conduct business in such a way as would increase traffic congestion or delays, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.
- (13) Food truck and vendors shall be subject to, and comply with, all applicable federal, state and county regulations, including City of Wyandotte ordinances, building, electrical, mechanical, and fire safety code requirements, and any permit or inspection requirements deemed necessary by the building official.
- (14) A license to operate a special transitory food unit shall not be issued until a current State of Michigan Food Service License for the unit has been issued.
- (15) The menu for the food truck must be approved by the city.
- (16) Food trucks shall be located within two hundred (200) feet of approved and readily accessible bathroom facilities, or shall be outfitted with contained handwashing equipment, to ensure proper sanitary facilities are available to vendors and workers.
- (17) When conducting business on any public right-of-way, street, sidewalk, or alley, in the City of Wyandotte, vendors shall operate, at all times, in such a manner so as to not interfere with pedestrian or vehicular traffic.
- (18) The vending operation or food truck shall not be located in any street travel lane and shall only be allowed in designated parking lanes. The vending operation or food truck shall not be located in a public alley where the location of the operation reduces the travel width of the alley to nine (9) feet or less.
- (19) It shall be unlawful for any vendor to locate a vending operation or food truck in such a manner as to interfere with any building entrance or exit.
- (20) Customers shall be served on the curb side, in the easement or berm area, of the public right-of-way, and such service area shall not impede upon a five (5) foot wide path on a paved surface or sidewalk provided for pedestrian travel in the easement.
- (21) If the vending operation is to be conducted on private property; the food truck shall be located on a paved surface, and the customers shall be serviced from the private property and such service area shall not impede on any ingress/egress aisleway or extend into a public right-of-way.
- (22) When located in a public right-of-way, awnings may extend into the easement over the serving area and shall have a minimum clearance of seven (7) feet above the ground to the lowest point of the awning or support structure.
- (23) Food trucks may not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- (24) The following signs or advertising methods are prohibited with food trucks:
 - No sign or banner shall be placed upon or across any public right-of-way, except by permission of the City Council;
 - It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter;
 - Signs which incorporate in any manner flashing lights;
 - String lights used in connection with business premises for commercial purposes, other than seasonal decorations;
 - Any sign unlawfully installed erected or maintained;
 - Signs on trees or utility poles, whether public or private;
 - Signs on benches;
 - Inflatable balloons including inflatable tube man;
 - Roof top signs;
 - Feather banners (subject to compliance with sign ordinance);
- (25) No food truck may be located adjacent to a brick-and-mortar restaurant without written permission from the owner(s) of said restaurant and building owner, if different.

§116.076. Inspection.

Inspection and written approval from the Wyandotte Fire Department and Building Official is required. All inspections regarding food trucks shall conform to the standards listed in the current National Fire

Protection Association's NFPA Fire Code and must be in compliance with all city codes. An inspection is required for each separate location and each separate event.

All food trucks exhaust shall be directed away from the service side of the vehicle. Inspection by the Wyandotte Fire Department shall include exhaust compliance.

§116.077. Revocation.

(A) The city may revoke the permit of a food truck for any of the following reasons:

- (1) Fraud, misrepresentation or a false statement on application or in the course of operating the food truck.
- (2) Creation of a public nuisance constituting a danger to public health, safety, comfort or welfare.
- (3) Violation of any provision of this ordinance.

(B) Once a permit has been issued it may be revoked, suspended or not renewed by the city for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the city. Immediately upon such revocation by the Special Events Coordinator the permit shall become null and void and the Special Events Coordinator shall provide written notice to the permit holder by first class mail to the address provided on the application. No person whose food truck permit has been revoked shall be eligible to receive another permit within the city for one

- (1) year from the date of the permit revocation.

§116.078. Right To Appeal.

If a permit is denied, revoked or suspended, the applicant or holder of a permit may appeal to and have a hearing before the city administrator, or his designee. The appeal must be in writing, signed and submitted to the City Clerk's Office within ten (10) days of the denial, revocation or suspension. The city administrator, or his designee, shall make a written determination. If the city denial, revocation or suspension is upheld by the city administrator, the applicant or permit holder may appeal the city's administrator decision to the city council. The appeal must be in writing, signed and submitted to the City Clerk's Office within ten (10) days of the City Administrator's decision.

§116.079. Impoundment.

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

§116.080. Fees.

(A) A non-refundable application fee and inspection fees shall be charged for the processing and issuance of a permit under this ordinance. The fees will be established by City Council Resolution and will be reviewed annually.

(B) The inspection fees must be paid with the application.

§116.081. Offense and Penalty.

Any permit holder operating a food truck in violation of any provision of this ordinance or any rules and regulations promulgated by the city shall be responsible for a municipal civil infraction pursuant to the city's codified ordinances and punishable by a civil fine of not more than \$500.00 per day or occasion of offense, and shall entitle the city to have the prohibited use enjoined. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Section 2. Interpretation.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 3. Severability.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinance.

All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Effective Date.

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and a copy of this adopting Ordinance or a summary of said adopting Ordinance shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A complete copy of the codes is available to the public at the Office of the City Clerk in compliance with State law requiring that records of public bodies be made available to the general public. A copy of this adopting ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office at 3200 Biddle Avenue, Wyandotte, Michigan.

On the question, "SHALL THIS ORDINANCE NOW PASS?", the following vote was recorded:
Motion unanimously carried.

CERTIFICATION

We, the undersigned Robert A. DeSana and Lawrence S. Stec, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, September 16, 2024.

Robert A. DeSana, Mayor

Lawrence S. Stec, City Clerk

The effective date of this Ordinance is October 1, 2024. A copy of this Ordinance may be purchased or inspected at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Publication Date: September 25, 2024