

## VILLAGE OF ALANSON

### MOBILE FOOD VENDING ORDINANCE

#### Ordinance 1 of 2022

**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 Village of Alanson.**

SECTION 1 - DEFINITIONS. For the purposes of this ordinance the following words and phrases are defined as follows:

- 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) *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.
- d) *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.
- e) *Ice cream truck* shall mean any motorized vehicle that serves as a mobile retail outlet from which ice cream is vended, served, or offered for sale.

SECTION 2 – MOBILE VENDING LOCATIONS. The prohibition set forth herein shall apply to all mobile food vending locations in the Village of Alanson.

- a) *Public property*. Mobile food vending shall only be allowed on public property when part of an approved public or private event.
- b) *Private property*. Mobile food vending on private property shall only be allowed with an approved license. Mobile food vending on private property shall not be allowed to utilize public property including, but not limited to, street rights-of-way.
- c) The aforementioned restrictions do not apply to mobile ice cream trucks.

SECTION 3. LICENSING.

- a) No vendor shall engage in mobile food vending without a license from the Village clerk authorizing such vending. The Village clerk shall prescribe the form of such licenses and application for such license. All licenses 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 licensed unless it meets the definition of mobile food vending as defined by this division.
- b) The aforementioned restrictions do not apply to ice cream trucks.

#### SECTION 4. LICENSING DURATION AND APPLICATION.

- a) Licenses may be issued by the Village clerk expiring at the end of each calendar year. Any license issued under this chapter is non-transferable.
- b) Every vendor desiring to engage in mobile food vending shall make a written application to the Village clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the Village clerk and be accompanied by a \$20 service fee established by resolution of the Village council. Additionally, the applicant shall provide all documentation as required by the Village.
- c) The aforementioned restrictions do not apply to ice cream trucks.

#### SECTION 5. REQUIREMENTS

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

- a) 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.
- b) If operating on Village-owned or controlled property, vendor may only locate on such property in locations associated with a Village-approved public or private event. All mobile food vending trucks operating at an event, whether on public or private property, will be required to obtain the appropriate license(s) and pay the fee established by resolution of the Village council.
- c) No vendor may operate on public property within one block of a Village-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
- d) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- e) No vendor shall 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 Village.
- f) Comply with the Village's nuisance ordinance, sign ordinance and all other Village ordinances.
- g) Comply with all applicable federal, state and county regulations.
- h) 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 Village street, alley or sidewalk.

## SECTION 6. 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.

## SECTION 7. 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.

## SECTION 8. REVOCATION.

The Village 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 averse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the Village clerk shall provide written notice 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.

## SECTION 9. COMPLAINTS; APPEALS

If a written complaint is filed with the Village clerk alleging a food vendor has violated the provisions of this chapter, the Village 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 Village clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the Village 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 Village Council. The Village Council shall make a written determination, after presentation by the applicant and investigation by the Village clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the Village Council determines that such grounds are supported by a preponderance of the evidence, the action of Village clerk or filing of the complaint shall be sustained and the applicant may appeal the Village Council's decision to a court of competent jurisdiction.

## SECTION 10. ENFORCEMENT OFFICIALS.

The Village President and any other person appointed by the Village Council are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

## SECTION 11. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

SECTION 12. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

SECTION 13. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 14. Fines.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.99 of this code of ordinances.
- (B) Any person who is convicted of any violation of any provision of this chapter shall be guilty of a misdemeanor and shall be punished by fine not to exceed \$500 per day for each day in which the person is in violation.

This Ordinance shall become effective twenty (20) days after its enactment.

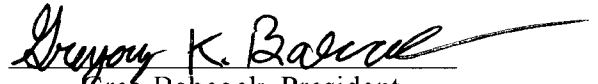
Ordinance No. 1 was adopted on the day of July 11<sup>th</sup>, 2022 by the Alanson Council as follows:

Motion by: Doug Larson

Seconded by: Josh Larson

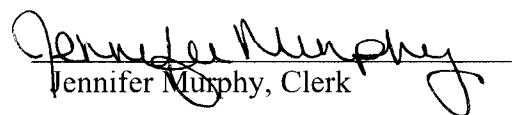
Yeas: 5 Nays: 0 Absent: 0

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Jennifer Murphy, Clerk

  
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Greg Babcock, President

I certify that this is a true copy of Ordinance No 1 that was adopted at a regular meeting of the Alanson Village Council on July 11<sup>th</sup>, 2022 and published in the Petoskey News Review.

Dated: 7-15-22

  
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Jennifer Murphy, Clerk