

ORDINANCE NO. 720
AN ORDINANCE TO AMEND CHAPTER 14, "BUSINESSES", OF THE
RIVERVIEW CODE, BY THE ADDITION OF ARTICLE XV, "MOBILE FOOD
VENDING UNITS", TO ALLOW AND REGULATE THE OPERATION OF
MOBILE FOOD VENDING UNITS IN THE CITY

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Adoption: That Article XV, "Mobile Food Vending Units", is hereby adopted and added to Chapter 14 "Businesses", to hereafter read as follows:

CHAPTER 14 BUSINESSES
ARTICLE XV. MOBILE FOOD VENDING UNITS

Sec. 14-700. - Purpose and intent.

It is the purpose and intent of this article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the city, while providing a framework under which such businesses operate; and to protect the public health, safety and welfare of the city, its residents and visitors.

Sec. 14-701. - 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 t- shirt that bears the name of the organization engaged in mobile food vending.

"Mobile Food Vending Vehicles or Units." Any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.

"Operate." All activities associated with the conduct of business, including set up and take down.

"Permit." A permit issued under this article, as required for operation of a Mobile Food Vending Unit.

"Stationary" Any Mobile Food Vending Unit that is not immobilized or that remains in the same location for greater than 15 minutes.

"Vendor." Any person(s) engaged with or employed by a Mobile Food Vending Unit.

Sec. 14-702. - Scope.

The provisions of this article apply to mobile food vehicles 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 article 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.

Sec. 14-703. - Permit required, duration and non-transferable.

- (a) General. No vendor shall engage in Mobile Food Vending without a permit from the city clerk authorizing such vending. The city clerk 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. A permit issued under this article shall not be transferable from person to person. A permit is valid for one mobile food vending unit and shall not be transferred between mobile food vending units.
- (b) Permit duration. A permit allows the vendor to operate in the city for thirty (30) days.

Sec. 14-704. - Permit 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 preparation methods and food product offered for sale including the intended menu.
- (c) Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed thirty (30) feet in length and ten (10) feet in width.
- (d) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
- (e) Copies of all necessary licenses or permits issued by the Wayne County Health Department, including a copy of the "letter of intent" provided to Wayne County.
- (f) Copy of vendor's valid driver's license, current vehicle registration, 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 as an additional insured.

- 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.
- (g) Signed statement that the permit holder shall indemnify and hold 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.
- (h) A Special Event/Festival desiring to operate an event/festival featuring mobile food vending units shall make written application for a permit to the recreation director and include all the information required under this article for individual mobile vending units in the Special event/festival application.

Sec. 14-705. - Permit categories.

Individual – This permit category is for one vendor operating one (1) mobile food vending unit.

Special Event/Festival – This permit category is for an Event or Festival that will have multiple mobile food vending units on site for a designated time frame in association with an approved Event or Festival in the city.

Sec. 14-706. - Permit exemptions.

- (a) Events, parties, or other activities on private property that require catering or a food truck on site are exempted from this requirement as long as food is not served to the general public and is limited to the event on private property.
- (b) Any school or government-sponsored mobile food vending unit operating on school or government property.
- (c) Not for profit groups who operate mobile food vending units on an infrequent and irregular basis and on private property are exempt from permitting under this Article.
- (d) Restaurants which operate a permanent business physically present in the City of Riverview are also exempt under this article while mobile vending on their own private property but they shall not subcontract or hire such vendors in an attempt to evade this article.
- (e) Authorized participants in any city-sponsored event (fair, festival, special event,

civic event).

- (f) Any other event approved by the city manager, or his designee.
- (g) Groups and individuals who are exempt under this article from permitting must still receive written permission from the city manager, or his designee, before operating on public property.

Sec. 14-707. - Permitted Locations.

Mobile food vending units may not be parked and shall not operate within 100 feet (measured to property boundary) of any restaurant when such a restaurant is open to the public for business, unless written permission has been acquired from all restaurants within the radius. This does not apply to a restaurant, already physically present in the city on a permanent basis, from mobile vending on their own private property.

Mobile food vending units may not use public areas, street parking, or be within any right-of-way without written permission from the city manager, or his designee.

Mobile food vending units are not permitted within 500 feet (measured to property boundary) of any fair, festival, special event, or civic event, or other event with city approved community event status unless written permission from the event coordinator is obtained.

Sec. 14-708. - Fees.

An application for a permit under this article shall be accompanied by a fee in an amount established by resolution of the city council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the city clerk. No fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this article. Special events sponsored by the city are exempt from permit fees associated with mobile food vending units if all other requirements are met.

Sec. 14-709. - Regulations.

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

- (a) No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within the areas of the city where the permit holder has not been authorized to operate. The city manager, or his designee, shall identify the streets and public areas where parking by mobile food vehicles is permitted.
- (b) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

- (c) All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the preparation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the street or sewer is allowed.
- (d) Mobile food vendors shall comply with the city's noise ordinance, sign ordinance and all other city ordinances.
- (e) Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.
- (f) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded or towed.
- (g) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a permit by the city clerk has been obtained to allow for such use.
- (h) Any power required for the mobile food vehicle located on public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. All power sources must be self-contained. No power or cable equipment shall be extended at or across any city street, alley or sidewalk.
- (i) A vendor shall not utilize any electricity or power without the written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, sidewalk, or pathway.
- (j) A vendor shall not block access to city sidewalks.
- (k) A mobile food vendor may only operate the follow hours:
 - 9:00 AM – 9:00 PM in residential areas
 - 7:00 AM – 11:00 PM in commercial areas
 - 6:00 AM – 11:00 PM on private property within a commercial area.
- (l) Immobilize the mobile food vending unit while operating in the city.
- (m) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- (n) Not use loud music, amplification devices, or any other audible methods to gain attention. Any safety hazard or excessive noise associated with the operation of a

mobile food vending unit, including generators, will be addressed by the city and may result in permit revocation.

- (o) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the street, sidewalk or impede pedestrian and/or vehicle safety.
- (p) Not represent the granting of a permit under this article as an endorsement by the city.
- (q) Mobile food vending units are prohibited from disposing of any waste into storm drains or sanitary sewer.
- (r) Not be located so as to block or impede pedestrian or vehicular movement at any public sidewalk, roadway, driveway, approach, designated fire lane, or other means of ingress/egress not mentioned herein.
- (s) Display any licenses granted to the vendor by state, county, and city authorities.
- (t) Comply with all applicable federal, state and county regulations.

Sec. 14-710. - Other permits.

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

Sec. 14-711. - Revocation.

- (a) The city clerk shall revoke the permit of a mobile food vending unit for any of the following reasons:
 - (1) Fraud, misrepresentation or a false statement on application or in the course of operating the mobile food vending unit.
 - (2) Creation of a public nuisance constituting a danger to public health, safety, and welfare.
- (b) Once a permit has been issued it may be revoked, suspended or not renewed by the city clerk for failure to comply with the provisions of this article and any rules or regulations promulgated by the city. Immediately upon such revocation the permit shall become null and void and the city clerk shall provide written notice to the permit holder by certified mail to the address provided on the application. No person whose mobile food vending unit 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.

Sec. 14-712. - Right of appeal.

If a permit is denied, revoked or suspended by the city clerk, the applicant or holder of a permit may appeal to and have a hearing before the city manager, or his designee. The city manager, or his designee, shall make a written determination. If the city clerk's denial, revocation or suspension is upheld by the city manager, the applicant or permit holder may appeal the city manager's decision to the city council.

Sec. 14-713. - Impoundment.

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

Sec. 14-714. - Offense and penalty.

Any permit holder operating a mobile food vending unit in violation of any provision of this article or any rules and regulations promulgated by the city shall be a civil infraction pursuant to Chapter 1-8 of 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.

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. 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 agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Codification; Scrivener's Errors:

- (a). Article I of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected

with the endorsement of the City Manager, or designee, without the need for a public hearing.

ARTICLE VI. Reading and Publication: This Ordinance shall be given a first reading on March 1, 2021, shall be given a second reading on April 5, 2021, shall be adopted on April 5, 2021, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 5th day of April, 2021.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on April 5, 2021.

Cynthia M. Hutchison, City Clerk