

**STATE OF MICHIGAN
CITY OF ROGERS CITY
ORDINANCE NO. 2022-01**

AN ORDINANCE AMENDING CHAPTER 13 OF THE ROGERS CITY CODE OF ORDINANCES (PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS) BY ADDING ARTICLE 4, TITLED "MOBILE FOOD VENDING."

THE CITY OF ROGERS CITY ORDAINS:

- I. Chapter 13 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by adding Article 4, which shall read as follows:

Sec. 13-91 - Purpose

It is the purpose of this Article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the City of Rogers City, while providing a framework under which such businesses operate; and to protect the public health, safety and welfare of the City.

Sec. 13-92 - Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a) *License*. A license issued under this Article, as required for operation of a Mobile Food Vending Unit.
- b) *Mobile Food Vending*. Serving or offering for sale, food and/or beverages from a Mobile Food Vending Unit 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.
- c) *Mobile Food Vending Unit*. 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.
- d) *Operate*. All activities associated with the conduct of business, not including set up and take down.
- e) *Police Department*. The Rogers City Police Department.
- f) *Stationary*. Any Mobile Food Vending Unit that is not immobilized or that remains in the same location for greater than 5 minutes.
- g) *Vendor*. Any person(s) engaged with or employed by a Mobile Food Vending Unit.

Sec. 13-93 – Scope

- a) General. The provisions of this Section apply to Mobile Food Vending Units engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any property within the City of Rogers City.

- b) Exceptions. A license issued under this Article shall not be required for:
 - 1) Any school or government-sponsored Mobile Food Vending Unit operating on school or government property.
 - 2) Authorized participants in any City-sponsored event (fair, festival, special event, civic event).
 - 3) Any other event otherwise approved by the City.
 - 4) Not-for-profit groups who operate Mobile Food Vending Units on an infrequent and irregular basis and on private property.
 - 5) Mobile Food Vending Units operating on private property and that are not open to the general public; these include but are not limited to; graduation parties, open houses, family reunions, or other private events.
 - 6) Unless operating upon a public street or within the right of way, food establishments that operate a permanent business that appears on the City tax roll are also exempt from this Article. When operating upon a public street or within the right of way immediately adjacent to their permanent location, permanent businesses are exempt from the minimum distance requirements in Sec. 13-97(b)(c). A license granted to a permanent business shall not count toward the 24-license-per-month limit.

- c) Exempted entities must notify the City of intent to operate a Mobile Food Vending Unit and may be denied if operation conflicts with other events. Exempted entities shall not constitute a license to be counted against the 24-license-per-month limit established in Sec. 13-94(a).

Sec. 13-94 License required; non-transferrable.

- a) General. No vendor shall engage in Mobile Food Vending without a license from the Police Department authorizing such vending. All licenses shall be prominently displayed on the Mobile Food Vending Unit. A license issued is not transferable from person to person or between vehicles. The City shall issue up to 24 licenses per calendar month. A vendor may purchase a day license no sooner than 90 days prior to the intended date of operation, and no later than 48 hours prior to the intended date of operation. Not more than eight (8) licenses can be issued to a single vendor per calendar month. Not more than three (3) licenses can be issued on any one day.

- b) License. A license allows the Vendor to operate in the City for one day.

Sec. 13-95 Application.

Every Vendor desiring to engage in Mobile Food Vending shall submit a written application for such license to the Police Department. The application for a license shall include the following documentation:

- a) Complete license application.
- b) Copy of Health Department license.
- c) Copy of valid driver's license, current vehicle registration, and insurance including automobile liability coverage.
- d) Proof of General Comprehensive Liability policy with limits of not less than \$1 million Combined Single Limit coverage issued by an insurer licensed to do business in this State and which names the City as an additional insured.
- e) Signed statement that the licensee 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 licensee, its employees, or agents carried on under terms of the license.

Sec. 13-96 Fees.

An application for a license under this Article shall be accompanied by a fee in an amount established by resolution of the City Council of the City of Rogers City. Fees are non-refundable once a license has been issued by the Police Department. 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 licensing fees associated with Mobile Food Vending Units if all other requirements are met.

Sec. 13-97 Permitted locations.

- a) Permitted Locations. Appropriate locations for Mobile Food Vending Units shall be limited to public areas authorized by resolution of City Council or on private property with a written agreement signed by the property owner. The use of other public areas is prohibited without written permission from the City.
- b) Proximity to Existing Food Service Establishments. Any Mobile Food Vending Unit may not operate within five hundred (500) feet from the door of an eating establishment that is actively open for business unless the restaurant owner has signed a waiver for that purpose.

- c) Proximity to other Mobile Food Vending Units. Any Mobile Food Vending Unit operating within the City must be at least 10 feet from another Mobile Food Vending Unit, measured by the walkable distance between the two units. Food establishments who operate a permanent business that appears on the City tax roll are exempted from this distance requirement.

Sec. 13-98 Requirements.

Any vendor engaging in Mobile Food Vending within the City of Rogers City must:

- 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) Not operate during a City-authorized street fair, public festival, farmers' market or other public event without authorization from the Police Department.
- c) Immobilize the Mobile Food Vending Unit while operating in the City.
- d) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- e) 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 Police Department and may result in license revocation.
- f) Comply with all applicable City Ordinances unless stated otherwise herein.
- g) Comply with all applicable federal, state, county, and health department regulations.
- h) Operate only between the hours of 8:00 a.m. and 11:00 p.m.
- i) Not park a Mobile Food Vending Unit on the street overnight or leave a Mobile Food Vending Unit unattended and unsecured at any time. Any Mobile Food Vending Unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- j) Not represent the granting of a license under this Article as an endorsement by the City.
- k) 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.
- l) Not dispose of waste generated by a Mobile Food Vending Unit into storm drains or sanitary sewer.
- m) 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.
- n) Display any licenses granted to the vendor by state, county, and City authorities.

Sec. 13-99 Signage.

The operator of a Mobile Food Vending Unit may have one portable sign not more than 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; under no circumstances shall such a sign be placed upon a street or sidewalk in a manner that impedes pedestrian and/or vehicle safety.

Sec. 13-100 Enforcement.

Any license 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 subject to a civil infraction pursuant to Sec. 1-8 of the Rogers City Code of Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Sec. 13-101 Impoundment.

Any 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. 13-102 Revocation.

- a) The Police Department shall revoke the license of a Mobile Food Vending Unit for any of the following reasons:
 - 1) Fraud, misrepresentation, or a false statement on an 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 license has been issued it may be revoked, suspended or not renewed by the Police Department for failure to comply with the provisions of this Article and/or any other applicable rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Police Department shall provide written notice to the license holder by certified mail to the address provided on the application. No person whose Mobile Food Vending Unit license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

Sec. 13-103 Right of appeal.

Vendors seeking to operate outside the above requirements, or who wish to appeal a decision of the Police Department associated with the denial or revocation of a license, may petition

the City Council. The City Council is not obligated to approve a request and will, at its discretion, permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the agenda for consideration of an appeal, a written request for appeal must be made to the Police Department not later than seven (7) business days before the City Council meeting for which redress is sought.

Sec. 13-104 Validity and severability.

The provisions of this Article are severable and the invalidity of any phrase, clause or part of this Article shall not affect the validity or effectiveness of the remainder of the Article.

Secs. 13-105 through 13-114 Reserved



193 E. MICHIGAN AVENUE • ROGERS CITY, MI 49779-1615

OFFICE (989) 734-2191 / FAX (989) 734-4833

Mobile Food Vending License Application

Applicant

Name:

Phone/email:

Vendor/Company

Name:

Email:

Address:

Phone:

License Plate #:

Brief Description of Business:

Requested Date(s)

Location:

Hours:

Number of days:

Fee (\$25/day; \$75/calendar month; \$150/ calendar year):

I have included the following documentation:

- License fee
- Copy of Health Department License
- Copy of valid driver's license and current vehicle registration and insurance
- 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 this State and which names the City as an additional insured

Any license issued pursuant to the Mobile Food Vending ordinance shall not be transferable from one person to another. Any change in information requested in the application shall be provided to the Rogers City Police Department within ten calendar days of any such change.

I swear that all the above statements are true, and if the license is granted, I agree to conform to the provisions contained in said ordinance and to conduct said business in the manner required, and I hereby acknowledge receipt of a copy of said ordinance and hereby represent that I have knowledge of the contents in relation to the conduct of said business.

I agree to defend, indemnify, and hold harmless the City of Rogers City, its officials, officers, employees, and agents against any liability, claims, causes of action, judgements, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the licensee, its employees, its subcontractors and anyone for whose acts or omissions they may be liable, arising out of the licensee's use or occupancy of the public street, highway or public parking space.

Applicant Signature: _____ Date: _____

OFFICE USE ONLY:

Application Received:

Fee paid:

Approved: Yes | No | If no, why:

Date of issuance or denial:

This application and all required documentation can be mailed to the address above or
emailed to tkoss@rogerscity.com