

**STATE OF MICHIGAN
VILLAGE OF SARANAC**

ORDINANCE NO. 112

**AN ORDINANCE TO REGULATE THE OPERATION OF FOOD TRUCKS, AND THE
ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR FOOD TRUCKS**

THE VILLAGE OF SARANAC ORDAINS:

Section 1. Purpose

The purpose of this Ordinance is to establish a policy to manage mobile food businesses in the public areas of the Village of Saranac (sometimes referred to as the “Village”); to establish a framework to permit and regulate mobile food service providers in the Village of Saranac on public and private property; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of streets and sidewalks; and to protect the health, safety and welfare of the people of the Village of Saranac.

Section 2. Mobile Food Service Provider Defined

For the purposes of this Ordinance, unless the context clearly indicates or requires a different meaning, “Mobile Food Service Provider” or “Mobile Food Vehicle” means a motorized vehicle which, upon the issuance of a permit by the Zoning Administrator in conformance with the regulations under this Ordinance, may temporarily park upon a public street, private property or other approved public areas and/or in conjunction with a Special Event or School Function engage in the preparation, service, sale or distribution of ready to eat food for individual portion service to the general public directly from the vehicle. A Mobile Food Service Provider or Mobile Food Vehicle are sometimes collectively referred to as a “Mobile Food Provider”. A Mobile Food Vehicle shall also include a trailer pulled by a motorized vehicle engaged in the preparation, service, sale or distribution of ready to eat food for individual portion service to the general public from the trailer, and shall include cookers, grills, smokers or other similar apparatuses contained within or on the trailer.

Section 3. Special Event or School Function

For the purposes of this Ordinance, unless the context clearly indicates or requires a different meaning, a “Special Event” means a community sponsored type event in which the sponsor (the “Sponsor”) of the event has obtained permission from the Village to hold such an event and a “School Function” means an event sponsored by a school (the “School”).

Section 4. Permit Requirements

Except as may otherwise be allowed by this Ordinance e.g. Special Event or School Function, or as a special use, no Mobile Food Provider may engage in the preparation, service, sale or distribution of food in the Village on public or private property without first obtaining a permit from the Village. The application fee shall be set from time to time by resolution of the Saranac Village Council. All fees must be paid to the Village Treasurer at the time the application is submitted. All permits must be available on site for inspection upon request by the Village, Zoning Administrator or law enforcement officer.

Section 5. Number of Permits, Duration and Transferability

- A. Mobile Food Provider permits are available for issuance by the Zoning Administrator on a first-come, first-served basis. The number of permits shall be established by resolution of the Saranac Village Council. Mobile Food Provider permits shall only be for the calendar year in which such a permit is issued.
- B. Transferability. Each Mobile Food Provider permit is valid only for each individual vehicle or trailer operated by a Mobile Food Provider and shall not be transferred among vehicles or trailers.

Section 6. Insurance

All Mobile Food Providers who obtain a permit pursuant to Section 4 must obtain and maintain a policy of liability insurance by a company licensed to do business in the State of Michigan and approved by the Village. Insurance coverage must be in the minimum amount of \$1,000,000.00 for personal injury and property damage arising out of the permitted operation, including operation by employees, agents or independent contractors. Proof of insurance must be provided to the Village before a permit can be granted and thereafter upon reasonable request. The insurance policy shall name the Village of Saranac, its officers, employees, and agents as additional insureds and shall provide that the insurance be primary. The policy shall provide 30 days' prior written notice of revocation, cancellation or amendment, to the Village. All Mobile Food Providers agree to hold harmless and protect the Village of Saranac and its officers, employees, and agents from any liability, claims, costs, expenses or attorney fees arising out of the permitted operation that is not covered by the insurance policy required herein.

Section 7. Applications

An Application of a person desiring to operate a Mobile Food Provider permit pursuant to Section 4 shall provide a written application for such a permit to the Village Office. Applications for a Mobile Food Provider permit shall be on forms provided by the Village (if available) or by written request and shall include all of the following:

- A. Name, signature, phone number, email contact, and business address of the applicant;
- B. Information on the Mobile Food Vehicle including the VIN, year, make and model and its dimensions;
- C. Proposed hours of operation and areas of operation;
- D. Detailed plans for power access, water supply, waste disposal and wastewater disposal;
- E. Copies of all necessary licenses and permits issued by the Ionia County Health Department and/or the State of Michigan;
- F. A Certificate of Insurance evidencing coverage consistent with this Ordinance;
- G. A signed statement or acknowledgment that the permit holder shall hold harmless the Village, its employees, officers and agents and shall indemnify the Village, its employees, officers and agents;
- H. Copy of the applicant's state-issued Michigan sales tax license.

Section 8. Regulations

A. Section 4 Permits. All of the following regulations must be followed at all times by any Mobile Food Provider who obtains a permit pursuant to Section 4:

1. Mobile Food Providers may conduct business only between the hours of 9:00 a.m. and 11:30 p.m. Mobile Food Providers shall not conduct business at any other time.
2. A valid permit must be presented promptly for inspection or examination when requested by the Village, Zoning Administrator or law enforcement officer. Inability to present a valid permit will require that the Mobile Food Provider cease its operations until a permit can be provided.
3. While operating, a Mobile Food Provider shall operate in such a manner as to not interfere with pedestrian or vehicular traffic. If directed by the Village, Zoning Administrator or law enforcement officer, the Mobile Food Provider shall promptly relocate.
4. The operator of a Mobile Food Service Vehicle shall direct exhaust away from the service side of the vehicle.
5. A Mobile Food Provider shall only serve customers while parked.
6. A Mobile Food Provider shall serve customers only on the curb, lawn or sidewalk side of the Mobile Food Service Vehicle while in an authorized parking space.
7. No Mobile Food Service Vehicle shall be in motion while food preparation devices are in use (e.g. fryers, stoves, faucets, etc.).
8. A Mobile Food Provider shall be completely self-contained, and is prohibited from utilizing any municipally-owned utilities, including but not limited to electrical outlets, hydrants, or sewers.
9. No Mobile Food Service Vehicle shall be left unattended while food is in the vehicle or the food preparation devices are in use (e.g. fryers, stoves, faucets, etc.).
10. A Mobile Food Provider shall keep the area in which it operates free of trash, clean, and tidy. The Mobile Food Provider shall place a trash receptacle immediately outside the Mobile Food Service Vehicle, in plain sight at all times. The receptacle shall be emptied at an appropriate trash collection location as needed. No liquid waste of any kind may be emptied into municipal storm or sanitary sewers.
11. Mobile Food Providers shall comply with all applicable laws, rules and regulations in licensing or permit requirements including but not limited to those issued by Ionia County, the Ionia County Health Department or the Michigan Department of Agriculture and Rural Development or any successor agency, the Michigan Secretary of State, and any other agency with licensing or regulatory jurisdiction over the Mobile Food Provider, a Mobile Food Service Vehicle or the services provided by a food vendor.
12. No Mobile Food Provider shall make or cause to be made any unreasonable or excessive noise, including by the use of a generator. The operation of all Mobile Food Vehicles shall meet any noise ordinance imposed by the Village.
13. All signage for the Mobile Food Provider must only appear directly on the Mobile Food Service Vehicle. No additional signage is permitted.

14. There shall be no flashing, blinking or ultra-bright lights allowed on Mobile Food Service Vehicles or related signage. All exterior lights over 60 watts shall contain opaque hood shields directing illumination downward.
15. No lines, wires, cables, or other hazards may be extended across any street, alley or sidewalk in the Village.
16. Mobile Food Providers permitted under this Ordinance may operate on private or publicly owned property (e.g. open spaces, parks, streets and rights-of-ways) in accordance with the terms of their permit.
17. Any Mobile Food Provider desiring to locate in a public park shall comply with all Village regulations for parks and recreational spaces.
18. 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.
19. Mobile Food Providers shall not be located within sixty (60) feet of a permanent business with a food license during that business' hours of operation, unless waived by the owner of the business in writing.
20. Mobile Food Providers shall not operate outside of the locations designated by this Ordinance, or in areas not authorized under the required permit.
21. No Mobile Food Provider shall operate within one hundred (100) feet of any fair, festival, civic event or other special event that is licensed or sanctioned by the Village, unless the Mobile Food Provider has obtained the permission of the event sponsor.
22. No Mobile Food Provider shall operate within thirty (30) feet of any intersection or driveway.

B. Special Events and School Functions. Mobile Food Providers at a School Function or Special Event shall adhere to the rules and requirements of the Sponsor and/or School but at a minimum shall follow the following requirements.

1. Mobile Food Providers may conduct business only during the Special Event or School Function.
2. While operating, a Mobile Food Provider shall operate in such a manner as to not interfere with pedestrian or vehicular traffic. If directed by the Village, Zoning Administrator or law enforcement officer, the Mobile Food Provider shall promptly relocate.
3. The operator of a Mobile Food Service Vehicle shall direct exhaust away from the service side of the vehicle.
4. A Mobile Food Provider shall only serve customers while parked.
5. No Mobile Food Service Vehicle shall be in motion while food preparation devices are in use (e.g. fryers, stoves, faucets, etc.).
6. A Mobile Food Provider shall be completely self-contained, and is prohibited from utilizing any municipally-owned utilities, including but not limited to electrical outlets, hydrants, or sewers.
7. No Mobile Food Service Vehicle shall be left unattended while food is in the vehicle or the food preparation devices are in use (e.g. fryers, stoves, faucets, etc.).
8. A Mobile Food Provider shall keep the area in which it operates free of trash, clean, and tidy. The Mobile Food Provider shall place a trash receptacle immediately outside the Mobile Food Service Vehicle, in

plain sight at all times. The receptacle shall be emptied at an appropriate trash collection location as needed. No liquid waste of any kind may be emptied into municipal storm or sanitary sewers.

9. Mobile Food Providers shall comply with all applicable laws, rules and regulations in licensing or permit requirements including but not limited to those issued by Ionia County, the Ionia County Health Department or the Michigan Department of Agriculture and Rural Development or any successor agency, the Michigan Secretary of State, and any other agency with licensing or regulatory jurisdiction over the Mobile Food Provider, a Mobile Food Service Vehicle or the services provided by a food vendor.
10. No Mobile Food Provider shall make or cause to be made any unreasonable or excessive noise, including by the use of a generator. The operation of all Mobile Food Vehicles shall meet any noise ordinance imposed by the Village.
11. All signage for the Mobile Food Provider must only appear directly on the Mobile Food Service Vehicle. No additional signage is permitted.
12. There shall be no flashing, blinking or ultra-bright lights allowed on Mobile Food Service Vehicles or related signage. All exterior lights over 60 watts shall contain opaque hood shields directing illumination downward.
13. No lines, wires, cables, or other hazards may be extended across any street, alley or sidewalk in the Village.
14. Mobile Food Providers may operate on private or publicly owned property (e.g. open spaces, parks, streets and rights-of-ways).
15. Any Mobile Food Provider desiring to locate in a public park shall comply with all Village regulations for parks and recreational spaces.
16. 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.
17. Mobile Food Providers shall not be located within sixty (60) feet of a permanent business with a food license during that business' hours of operation, unless waived by the owner of the business in writing.
18. Mobile Food Providers shall not operate outside of the locations designated by this Ordinance, or in areas not authorized by the Sponsor.
19. No Mobile Food Provider shall operate within thirty (30) feet of any intersection or driveway.

Section 9. Impoundment

Any equipment associated with the Mobile Food Vehicle that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

Section 10. Written Complaints

If a written complaint is filed with the Village alleging that a Mobile Food Provider or a Mobile Food Vehicle permitted pursuant to Section 4 has violated the provisions of this ordinance, the Zoning Administrator shall promptly send a copy of the written complaint and a notice of investigation to the Mobile Food Provider at the address provided in the permit application. The investigation shall then be made by the Zoning Administrator, with the assistance of the Village

and/or a law enforcement officer if needed, to determine the truth of the complaint. The Mobile Food Provider shall have the opportunity to respond to the complaint and any evidence supporting the complaint, as well as the opportunity to provide contrasting evidence. If the Zoning Administrator, Village and/or a law enforcement officer, after reviewing all materials, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. A certified complaint may give rise to revocation, suspension or non-renewal.

Section 11. Revocation and Appeal

Once a permit has been issued pursuant to Section 4, it may be revoked, suspended or not renewed by the Zoning Administrator for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the Village. The Zoning Administrator shall revoke the permit of any Mobile Food Provider engaged in mobile food vending who intentionally fails to meet any requirement of this Ordinance or intentionally violates any other federal, state or local law, ordinance or regulation; makes a false statement on their application; or conducts their business in a manner adverse to the public health, safety or welfare of the Village and its residents. Immediately upon revocation, the Zoning Administrator shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit shall become immediately null and void upon revocation. If a permit is denied or revoked by the Zoning Administrator or if a written complaint is certified pursuant to this Ordinance, the applicant or permit holder may appeal to the Village Council in writing, at which point the Village Council shall make a written determination on the validity of the denial, revocation or complaint after reviewing all evidence related to the appeal. The Village Council shall consider whether the decision is supported by a preponderance of the evidence and, if so, it shall be sustained. The applicant or permit holder may appeal the decision of the Village Council to a court of competent jurisdiction.

Section 12. Other Permits

A permit obtained under this Section 4 or the right to operate under Section 2 shall not relieve any Mobile Food Provider of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

Section 13. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Repealer Clause

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 15. Violation

Notwithstanding Sections 10 and 11, a violation of this ordinance shall be a municipal civil infraction and, in addition thereto, the Village of Saranac shall be entitled to enforce this ordinance by seeking injunctive relief or any other remedy allowed by law.

Section 16. Effective Date

This ordinance shall become effective upon publication.

YEAS: Doll, Hooper, Klutman, Mulnix, Simmons, Whorley, Darby

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Sharon Darby, Village President

Becky Straubel
Becky Straubel, Village Deputy Clerk

CERTIFICATION

I, Becky Straubel, being the Deputy Clerk of the Village of Saranac, do hereby certify that the foregoing is a true and correct copy of the Village of Saranac Ordinance No. 112, passed on the 12th day of October, 2020. Further, I certify I caused the same to be published in the Sentinel Standard, Ionia, Michigan, within fifteen (15) days after adoption by the Village Council of the Village of Saranac, pursuant to the Village of Saranac Charter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of October, 2020.

Becky Straubel
Becky Straubel, Deputy Clerk, Village of Saranac