

City of Davison
200 E. Flint Street, Ste. 2, Davison MI 48423

APPLICATION FOR MOBILE FOOD VENDING LICENSE

Please contact the City Manager, Andrea Schroeder

With any questions at (810)653-2191

Visit our website at www.cityofdavison.org

1. APPLICANT

Name: _____

Address: _____

Email: _____

Phone Number(s): _____

2. BUSINESS

Name of Business: _____

Event Name (if applicable): _____

Date of Operation (if applicable): _____

Food Products Offered for Sale: _____

Description of Vending Unit: _____

Proposed Hours of Operation: _____

Intended Area of Operation: _____

Plans for Electrical Access, Wastewater, and Trash Disposal: _____

3. VENDING UNIT INFORMATION

Make of Vending Unit: _____

Model of Vending Unit: _____

Year of Vending Unit: _____

Vehicle Identification Number (VIN): _____

License Plate: _____

4. APPLICATION TYPE AND FEE

Please select one:

\$200 Annual License (January 1-December 31)

\$30 Single Day License

\$75 Three Consecutive Day License

GENERAL APPLICATION REQUIREMENTS

Please confirm that the following items have been included with your application.

1. ☐ If vending on City Property, certificate of general liability insurance with City as additional insured (\$1 million per occurrence)
2. ☐ Copy of Health Department License
3. ☐ Copy of State issued photo ID for all employees
4. ☐ Copy of Michigan Sales Tax License
5. ☐ Fee as outlined in Application

I have read and understand the rules and regulations for a mobile food vending unit (attached)

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Applicant Signature: _____

Date: _____

TO BE COMPLETED BY CITY

Date Application and Fee Received: _____

Staff Initials: _____

Receipt #: _____

City Manager Signature: _____

Date: _____

APPROVED

DENIED

Explanation: _____

CHAPTER 848
Mobile Food Vending

848.01	Definitions.	848.07	Other licenses.
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848.01 DEFINITIONS.

As used in this chapter, the following words, terms, and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) "Food Truck Event" means a sponsored event that lasts a duration of no more than three days and allows for unlimited mobile food vendors to operate on public and private property so long as they meet the City's ordinances for requirements on public and private property. Licenses are required.
 - (b) "Mobile Food Vending" means vending, serving, or offering for sale food and/or beverages from a mobile vending unit to the public, which may include the ancillary sales of other items consistent with the food provided, such as a tee shirt that bears the name of the organization engaged in mobile vending.
 - (c) "Mobile Food Vending Unit" means any motorized or non-motorized vehicle, trailer, table, or other similar device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale to the public.
 - (d) "Operate" means all activities associated with the conduct of business, including set-up and takedown and/or actual hours where the mobile food vending unit is open for business to the public.
 - (e) "Vendor" shall mean any individual or group of individuals engaged in the business of mobile vending. If more than one individual is operating a single stand, cart, or other means of conveyance, then the vendor shall mean all individuals operating such single stand, cart, or other means of conveyance.
- (Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.02 LICENSE REQUIRED.

No vendor shall engage in mobile food vending without a license from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such licenses and

application for such licenses. All licenses shall be prominently displayed on the mobile food vending unit.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.03 APPLICATION.

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.04 FEES.

An application for a license under this chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the City Clerk. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.05 REQUIREMENTS.

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

- (a) Customers of mobile food vending units shall be provided with single service articles such as plastic utensils and paper plates.
- (b) All mobile food vending units shall provide appropriate waste receptacles at the site of the unit and shall empty at its own expense. All on-site trash and garbage originating from the operation of mobile food vending units shall be collected and disposed of off-site by the operators on a daily basis. Spills of food or food by-products shall be cleaned up, and no dumping of gray water is permitted.
- (c) If operating on City owned or controlled property, vendor may only locate on such property as established by a resolution adopted by the City Council. All mobile food vending trucks operating by invitation at a community event (approved by Council), whether on public or private property, will be required to obtain the appropriate license and pay the fee established by resolution of the City Council.
- (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 mobile food vending unit shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City's Noise Ordinance, including generators. No vendor shall use loud music, amplification devices, "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.

- (f) Vendors must comply with the City's Nuisance Ordinance, Sign Ordinance, and all other City Ordinances.
- (g) The vendor shall comply with all applicable local, state, and federal laws, rules, and regulations in their operation of the mobile food vending unit. A permit obtained under this Article shall not relieve the vendor of the responsibility of obtaining any other permit or authorization required by other ordinance, statute, or administrative rule.
- (h) Signage is permitted when placed on mobile food vending units, so long as it does not extend above or beyond the mobile vending unit itself. One free-standing temporary sign of no more than six square feet with no dimensions greater than three feet and no height (with legs) greater than four feet, located within ten feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- (i) The hours of mobile vending will be determined on a locational basis. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- (j) A licensed mobile food vending unit may remain in a designated location for no more than three consecutive days at a given time and must be removed at least twenty-four hours before returning.
- (k) The vendor shall make the mobile food vending license available for inspection by any member of law enforcement or to the City Manager or City Clerk at any time the vendor is operating.
- (l) Any power required for the mobile food vending unit shall be self-contained and a mobile food vending unit shall not use utilities drawn from the public right-of-way. Mobile food vending units on private property may use electrical power drawn from the property being occupied or an adjacent property, but only if the property owner provides written consent to do so. No power cable or similar device shall be extended across any City street, alley, or sidewalk.
- (m) Awnings for mobile food units shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning. Seating, tables, waste disposal, or cleaning apparatus of the vendor shall be located within twenty feet of the vending unit and shall not constitute a danger or impedance to the public.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.06 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.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.07 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.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.08 REVOCATION.

(a) The City of Davison reserves the right to 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 adverse to the protection of public health, safety, and welfare.

(b) Immediately upon such revocation, the City Clerk shall provide written notice to the license holder and the license shall become null and void.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.09 COMPLAINTS; APPEALS.

If a complaint is filed with the City Clerk alleging a food vendor has violated the provisions of this chapter, the City Clerk shall contact the vendor 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 to respond to evidence produced by the investigation. After reviewing all relevant material, the complaint is supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked, or if a written complaint is certified pursuant to this chapter, the applicant or holder of the license, may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation as to whether or not the grounds for denial, revocation, or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.10 CONFLICTING STANDARDS.

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.11 LOCATIONS.

(a) Appropriate locations for mobile food vending units shall be limited to the areas as stated in a resolution of Council. The use of public areas, including on-street parking, is prohibited without written permission from the City without exception.

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

(c) The issuance of a mobile food vending unit license does not grant or entitle the vendor to the exclusive use of any service route or space.

(d) Mobile vending units must be setback a minimum of 20 feet off the property line of any public road and must be minimum of 50 feet from property line of any residential property. Mobile vending units may not operate on a single-family residential property unless used as private event catering. The selling of product to public on single-family residential property is prohibited.

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)

848.99 VIOLATION AND PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

(Ord. 2022-01. Passed 1-24-22; Ord. 2022-07. Passed 11-21-22.)