

CITY OF KEEGO HARBOR

2025 Beechmont, Keego Harbor, Michigan 48320 (248) 682-1930

ORDINANCE NO. 2021-03

ORDINANCE TO AMEND CHAPTER 6 BUSINESSES OF THE MUNICIPAL CODE OF THE CITY OF KEEGO HARBOR TO ADD NEW SECTION 7 ENTITLED MOBILE FOOD TRUCK VENDORS

THE CITY OF KEEGO HARBOR ORDAINS THAT CHAPTER 6, SECTION 7 ENTITLED MOBILE FOOD TRUCK VENDORS BE ADDED TO READ AS FOLLOWS:

Section 1:01

Chapter 6, Section 7. Mobile Food Truck Vendors shall be added to read as follows:

Section 60-250. Short Title.

This article may be referred to as the “City of Keego Harbor Mobile Food Truck Vendor Ordinance.”

Section 6-251. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MOBILE FOOD VEHICLE – A motorized vehicle which, upon issuance of a license by the City Clerk and conformance with the regulations established by this article, may temporarily park upon a public street and engage in the service, sale or distribution of ready-to-eat food for individual portion service to the general public directly from the vehicle.

MOBILE FOOD VEHICLE VENDOR – The registered owner of a mobile food vehicle or the owner’s agent or employee; and referred to in this article as “vendor.”

Section 6-252. 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.

Section 6-253. License required.

A. It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.

B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

- (1) Name, signature, phone number, e-mail contact and business address of the applicant.
- (2) A description of the preparation methods and food product offered for sale, including the intended menu.
- (3) Information on the mobile food vehicle, to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length or 9 feet in width.
- (4) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
- (5) Copies of all necessary licenses or permits issued by the Oakland County Health Department.
- (6) Insurance coverage:
 - (a) Proof of a general comprehensive liability policy with limits of no less than \$2,000,000 combined single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.
 - (b) Proof of a public liability and property damage motor vehicle policy with limits of no less than \$1,000,000 issued by an insurer licensed to do business in this state.

C. All vendors receiving a license under this article shall pay the annual fee as set by resolution by the City Council.

D. The City Clerk shall issue no more than 10 active mobile food vehicle licenses for any calendar year. Each mobile food vehicle license shall expire on December 31 of each year.

E. A license issued under this article shall not be transferable from person to person.

F. A license is valid for one vehicle only and shall not be transferred between vehicles.

Section 6-254. Regulations.

A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the license holder has not been authorized to operate. The City Council shall identify in the application those 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 service shall be provided on the driving-lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

C. No mobile food vehicle vendor shall provide or allow any dining area within 10 feet of the mobile food vehicle, including but not limited to tables and chairs, booths, stools, benches or stand-up counters.

D. Customers shall be provided with single-service articles, such as plastic utensils and paper plates, and a waste container for their disposal. 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 operation of mobile food vehicles shall be collected and disposed of offsite by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

E. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City Noise Ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

F. Signage is only allowed when placed on mobile food vehicles. No separate freestanding signs are permitted.

G. No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

H. 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.

I. 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.

J. A vendor shall not operate a mobile food vehicle within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.

K. The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

L. 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 Food License Permit has been obtained to allow for such use.

M. No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.

N. Any power required for the mobile food vehicle located on a public way shall be self-contained, and a mobile food vehicle shall not sue utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power bale or equipment shall be extended at or across any City street, alley or sidewalk.

O. Mobile food vehicles shall not be parked within 150 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business.

Section 6-255. Enforcement/Penalty.

A. Any license holder operating a mobile food vehicle in violation of any provision of this article or any rules and regulations promulgated by the City shall be subject to a municipal civil infraction with a civil fine of \$250 per day. Each day of violation shall constitute a separate and distinct offense.

B. Once a license 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.

Section 2.01. Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 3.01. Repealer.

Any Ordinance inconsistent with this Ordinance is hereby revoked.

Section 4.01. Savings Clause.

Should any section, subdivision, sentence, clause or phrase of this Ordinance, be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 5.01. Effective Date.

The provisions of this Ordinance shall become effective ten (10) days from and after approval and publication in a newspaper, general circulation, by the City of Keego Harbor.

Made and passed by the City Council of the City of Keego Harbor this 19th day of August, 2021.



Tammy Neeb, City Clerk

MOTION TO ADOPT ORDINANCE

Motion by Council Member Attisha and seconded by Council Member Shimansky that the foregoing Ordinance be adopted.

YEAS: Roll Call Vote - 5 (Mayor Lampl, Mayor Pro Tem Fletcher, Council Members Attisha, Kalman and Shimansky)

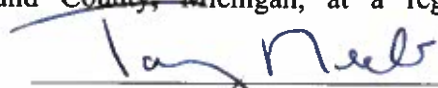
NAYS: 0

ABSENT: 0

ORDINANCE DECLARED ADOPTED.

CERTIFICATE OF CLERK

I, Tammy Neeb, being the duly appointed Clerk of the City of Keego Harbor, do hereby certify that the above Ordinance No. 2021-03 is a true copy of the Ordinance adopted by the City Council of the City of Keego Harbor, Oakland County, Michigan, at a regular meeting thereof held on August 19, 2021.



Tammy Neeb, City Clerk

