

VILLAGE OF DECATUR
VAN BUREN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND VILLAGE COUNCIL MEETING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN AND ALL OTHER INTERESTED PARTIES.

PLEASE TAKE NOTICE that a **Public Hearing/Regular Meeting** will be held by the **Village of Decatur Village Council** on **Monday January 8, 2024**, at **7:00 p.m.** at the **Decatur Village Hall** located at **114 North Phelps Street** within the Village.

PLEASE TAKE NOTICE that the item(s) to be considered at this Public Hearing include, in brief, the following:

1. Notice of Public Hearing on proposed Food Truck Ordinance.

PLEASE TAKE FURTHER NOTICE that a copy of proposed Food Truck Ordinance can be reviewed at Village Hall or at www.decaturmichigan.org.

The Village of Decatur will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon four (4) days' notice to the Village Clerk.

VILLAGE OF DECATUR
Megan Duncan, Village Clerk
Decatur Village Hall
114 North Phelps St.
Decatur, MI 49045

**VILLAGE OF DECATUR
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 2023-006

**AN ORDINANCE TO AMEND SECTION 10-88 OF THE VILLAGE OF DECATUR
CODE OF ORDINANCES, AND TO ADD A NEW SECTION 10-89, TO
REGULATE FOOD TRUCKS AND OTHER MOBILE FOOD VENDING UNITS
AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF**

The Village of Decatur ordains:

Section 1. Amendment. Section 10-88 of the Village Code is amended to read in its entirety as follows:

Section 10-88. Mobile food vending units (food trucks).

- (1) *Definitions*. The following words and terms shall have the meaning ascribed below when used in this section unless the context clearly indicates otherwise:
 - (A) *Mobile food vending* means vending, serving, or offering for sale food or beverages from a mobile food vending unit, along with ancillary sales of branded items consistent with the food or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant, or organization engaged in mobile food vending.
 - (B) *Mobile food vending unit* means a vehicle or other structure (e.g., a cart) equipped to create, prepare, store, or package food for the purpose of vending, service, or offering for sale at a given location for more than 10 minutes at a time. This term is intended to include the vendors commonly referred to as “food trucks,” as well as other similar types of mobile vendors. The term “mobile food vending unit” shall not include coffee, frozen dessert or ice cream trucks or other similar vehicles that move from place to place and are stationary in the same location for no more than 10 minutes at a time.
 - (C) *Mobile food vendor* means any individual, company, restaurant, or organization operating a mobile food vending unit.
 - (D) *Operates* means engaging in activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.
 - (E) *This ordinance* means section 10-88 of the village code.
- (2) *Permit required*.
 - (A) No mobile food vendor shall operate a mobile food vending unit without a permit issued by the village clerk authorizing such operation. The village clerk shall prescribe the form of available permits and the application for such permits. The village council shall, by resolution, establish appropriate fees for mobile food vending units and for the operation of such units on village property.
 - (B) No vending through a mobile food vending unit of food or other human consumables shall be permitted unless operating pursuant to a permit issued under this ordinance.
- (3) *Duration of permit; nontransferability*. Permits issued by the village clerk shall be valid for the period indicated on the permit, which shall be set by resolution of the village of the council. Any permit issued under this ordinance is nontransferable. Permit holders have no vested right in the renewal of such permit, and renewal may be subject to new conditions not included in the original permit.

- (4) *Application for permit.* Any mobile food vendor desiring to engage in mobile food vending in the village shall submit a completed application to the village clerk for a permit under this ordinance. The applicant shall truthfully state, in full, all information requested on the application for a permit issued by the village clerk's office. Additionally, the applicant shall provide all documentation, such as proof of insurance and a signed indemnity agreement, as required by this ordinance or by the application form. The application for a permit shall be accompanied by a fee established by resolution of the village council.
- (5) *Requirements.* Any mobile food vendor engaging in mobile food vending shall comply with the following requirements:
- (A) Except as otherwise provided in subsection (Q), mobile food vendors may not operate on private property within the village.
 - (B) Mobile food vendors may operate on village-owned property, school-owned property, or on public streets only to the extent authorized by the village council. Such authorization may as part of the approval of a community event, or may be via resolution adopted from time to time by the council at its discretion. To the extent it becomes necessary to designate specific mobile food vendors who may occupy a public location at any given time, the council may by resolution specify policies or practices for making such determinations.
 - (C) When mobile food vendors are permitted to operate on public streets, no food service shall be allowed on the driving lane side of the mobile food vending unit.
 - (D) A village permit for each mobile food vending unit to be operated in the village must be prominently displayed and permanently affixed on or near the service window of the mobile food vending unit. For units with now service window, the permit shall be placed as near to the place of service as reasonably possible.
 - (E) No mobile food vending unit shall impede visibility or the flow of vehicular, pedestrian or bicycle traffic in any location.
 - (F) It shall be unlawful for any person operating a mobile food vending unit while on duty to drink any alcoholic beverage, to shout or call to prospective customers, or to disturb the peace in any manner.
 - (G) No mobile food vending unit that constitutes a vehicle for purposes of the Michigan Vehicle Code shall operate unless it bears a State license duly issued, and no such vehicle shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition.
 - (H) Each mobile food vending unit shall have, in letters readable from a distance of fifty (50) feet, the name of the vendor operating it.
 - (I) Each mobile vending unit shall have available for inspection a copy of the required County Health Department Permit.
 - (J) The hours of operation shall be limited to the hours between 6:00 a.m. to 11:00 p.m. or as otherwise provided by resolution of the Village Council. No approved mobile food vending unit shall be left unattended on a public way, nor remain on a public way, outside of the allowed hours of operation, without prior approval from the village clerk..
 - (K) No vendor shall use or maintain any outside sound amplifying equipment or noisemakers, such as bells, horns or whistles.
 - (L) Vendors shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the mobile food vending unit entirely from the public way if necessary to avoid such congestion or obstruction.

- (M) Any power required for the mobile food vending unit located on a public way shall be self-contained and shall not use utilities drawn from the public right-of-way.
- (N) All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and disposed of properly. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place. A garbage receptacle shall be easily accessible for customer use. Each mobile food vending unit shall be equipped with sufficient garbage receptacles, and each vendor shall be responsible for collecting all litter, garbage and refuse left by customers and related to its products located within a fifty foot (50') radius of the mobile food vending unit.
- (O) The vendor must comply with all other applicable conditions and requirements imposed upon mobile food vendors under the law, must comply with village ordinances and state law, and shall make all required sales tax returns and other reports as required by state law. A permit obtained under this ordinance shall not relieve any mobile food vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.
- (P) Mobile food vendors shall not represent the granting of a permit under this ordinance as an endorsement of the village.
- (Q) A mobile food vendor may operate on a residential property (*i.e.*, a parcel or condominium unit in any zoning district that is the site of a single-family dwelling unit) in conjunction with a private event if all of the following conditions are met:
 - (1) At least 7 days prior to the date of the event, the mobile food vendor shall file an application with the village clerk requesting a private event permit. The village clerk shall issue such permit upon confirming that the mobile food vendor has a valid permit issued pursuant to section 14-65 above, and that proposed event complies all the requirements of the subsection.
 - (2) The operation, including all necessary setup and takedown, shall last for no more than 5 hours.
 - (3) The operation begins no earlier than 9:00 a.m. and ends no later than 8:00 p.m.
 - (4) During its operation, the mobile food vending unit will be setback at least 5 feet from the boundary lines of the property on which it is located, and shall be oriented such that the food vending window faces toward the residence.
 - (5) The mobile food vendor shall serve food and beverages only to the guests at the event, not to the general public.
 - (6) A residential property may host no more than 2 private events with mobile food vending in any given calendar year.

(6) *Complaints; revocation or suspension of permit.*

- (A) If a written complaint is filed with the village clerk by an ordinance enforcement officer or citizen alleging a mobile food vendor has violated the provisions of this ordinance, the village clerk shall promptly send a copy of the written complaint to the mobile food vendor together with a notice that an investigation will be made by the village clerk, with the assistance of other village departments, as required, as to the truth of the complaint. The mobile food vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the village clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- (B) The village clerk may revoke or suspend the permit of any mobile food vendor engaged in mobile food vending who ceases to meet any requirement of this ordinance or violates any other federal,

state, or local law, ordinance, or regulation; makes a false statement on the permit application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare as evidence in a complaint certified pursuant to the subparagraph (A).

Section 2. Addition. A new section 10-89 is added to the Village Code to read as follows:

Section 10-88. Penalties.

Any person who violates any provision of this article shall be responsible for a municipal civil infraction subject to a fine of \$100 for a first offense and \$250 for any subsequent offense.

Section 3. Effective Date. This ordinance shall become effective either 20 days after adoption or upon publication, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

As the duly appointed Clerk of the Village of Decatur, Van Buren County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Village Council at its meeting of _____, 2023.

Megan Duncan, Village Clerk