

ARTICLE R 22
SECTION R 22.01 MOBILE FOOD BUSINESSES

AN ORDINANCE TO REGULATE MOBILE FOOD BUSINESSES DOING BUSINESS IN THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 22.02 TITLE

This article shall be known and cited as the “Township of Fruitland Mobile Food Business Ordinance.”

SECTION R 22.03 DEFINITIONS

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

“*Mobile food business*” means a kitchen within a licensed and operable motor vehicle or trailer and food carts whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

“*Person*” means a human being and all business entities including partnerships, corporation, and associations.

SECTION R 22.04 APPLICATION OF ARTICLE

The provisions of this article apply to mobile food businesses engaged in the business of cooking, preparing, and distributing food or beverages with or without charge on public or private property. This article does not apply to vehicles which dispense food by moving from place to place and are stationary for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts.

SECTION R 22.05 PERMIT REQUIRED

It is unlawful for any person to operate within the Township a mobile food business without having obtained a mobile food business permit from the Township Clerk. At a minimum any person applying for a mobile food business must possess all permits required by the State of Michigan and the County of Muskegon to operate a mobile food business and must satisfy all requirements of Fruitland Township. Further all person operating a mobile food business must comply with the Michigan food law. See MCL 289-1101 *et seq*; P.A.2000, NO.92 § 1101, Eff. Nov. 8, 2000. Amended by P.A. 2012, NO. 178, Eff. Oct. 1, 2012.

A person desiring to operate a mobile food business shall make written application for such permit to the Township Clerk. The application for a permit shall be on forms provided by the Township Clerk and must designate the location of where such mobile food business will operate. Mobile food business must:

- A. Demonstrate that the applicant’s mobile equipment/vehicle has passed an annual inspection from the fire department and must provide written approval from the White Lake Fire Authority or State Fire Marshal.

- B. Pay an annual fee as set and published from time to time by the Township Board of Trustees.
- C. Comply with any other requirement as adopted and published from time to time by the Township Board of Trustees.
- D. Mobile food business vendor must be licensed by the Muskegon County Health Department.
- E. Proof of Insurance listing Fruitland Township as additionally insured.

A mobile food business permit is required annually. Permits are valid January 1 to December 31 of each year.

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

A permit is valid for one business only and shall not be transferred between businesses.

SECTION R 22.06 RULES AND REGULATIONS

Permitted areas of operation: Nestrom Park

Business hours, restrictions. No vendor shall conduct business before the hour of 7:00 a.m. or after the hour of 10:00 p.m. or as otherwise restricted on a by-location basis by resolution of the Township Board of Trustees. If the vendor has private property owner permission, they may operate between 7:00 a.m. and 2:00 a.m.

Private property. Mobile food vendors conducting business on private property may operate without a permit as part of a private event that is hosted by a residential use but its not open to the public.

Traffic. Mobile food vendors shall maintain a 20' setback from all fire hydrants and mobile food vendors shall not:

- a) obstruct the use of any street intersection or pedestrian crosswalk;
- b) impede the ingress or egress of any driveway;
- c) obstruct pedestrian space;
- d) impede or obstruct the ingress or egress of any building, and
- e) impede or obstruct any fire lane.

Signage. Mobile food vendors may have one portable sign that is 6 square feet, with no dimension greater than 3' and no height (with legs) greater than 4', located within 5' of the unit. Any and all signage must be contained to the property on which the vendor is operating. At no time shall any signage be placed in the public right-of-way.

Waste. Mobile food vendors must 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. Such receptacle shall be located no more than ten feet from the mobile food vendor. No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks, streets

or other public places, or municipal waste receptacles located within any public sidewalk or right-of-way. Failure to maintain a site free of waste may be grounds for revocation of current vendor permits or withholding the issuance of new permits.

Lights. No flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

Noise. No loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard are permitted. The decibel levels for any generator(s) used shall not exceed 80 dBA.

Parking. The issuance of a mobile food business permit does not grant or entitle the vendor to the exclusive use of any service route or parking space to the permit holder. When parked on public streets, a mobile food business shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles. Mobile food vendor vehicles shall not be left unattended while on a public street, highway, or public parking space. Any mobile vending unit shall be removed from the public street, highway, or public parking space during the hours of non-operation.

Merchandise sales. The retail sale of merchandise related to the food truck may be permitted as an accessory to the primary sales of food.

Alcohol sales. The sale of alcoholic beverages shall be permitted when licensed in accordance with Township and State of Michigan regulations.

Enforcement.

Violation; fines. Any permit holder operating a mobile food business in violation of any provision of this article, or any rules and regulations promulgated by the Township is responsible for a municipal civil infraction and is subject to a civil fine of \$100.00 for first offence, \$300.00 for second offence and \$500.00 for the third offence and as may otherwise be published by the Township Board from time to time. Each day a violation shall constitute a separate and distinct offense.

Permit is revocable. Once a permit has been issued, it may be revoked, suspended, or not renewed by the Township for failure to comply with the provisions of this article and any rules or regulations promulgated by the Township.

Severability. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

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

EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Adopted: November 20, 2023

Published: June 23, 2024

Effective: July 23, 2024