

**FOOD VENDORS ORDINANCE  
ORDINANCE # 314-17**

**AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD VEHICLE VENDORS.**

**THE CITY OF HARTFORD ORDAINS:**

**SECTION 1 Title and Purpose.**

- (a) This ordinance shall be known as the City of Hartford Mobile Food Vendor Ordinance.
- (b) The purpose of this ordinance is to recognize that there is an interest in the City of Hartford, Michigan for operation of Food Vendors and Mobile Food Vehicles, and that the pursuit thereof requires the involvement of the City of Hartford to provide a method of securing a permit for such operation and also providing regulations for the conduct of activity to protect health, safety, and welfare of the general public.

**SECTION 2 Definitions.**

**MOBILE FOOD VEHICLE VENDOR**

A motorized vehicle which may upon issuance of a license by the City Clerk and conformance with the regulations established under this ordinance may temporarily park upon a public street, private property, or other approved public parking lot or public park and engage in the preparation, service, sale or distribution of ready to eat food for individual portion service and Farm produce to the general public directly from the vehicle. For the purpose of this section, Mobile Food Service Provider or Mobile Food Vehicle includes a trailer pulled by a motorized vehicle engaged in the preparation, service, sale or distribution of ready to eat food for individual portion service and Farm products to the general public from the trailer, and shall include cookers, grill, smokers or other similar apparatuses. The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor".

**SECTION 3 Scope.**

The provision of this ordinance 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 ordinance 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 4 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 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, email contact and business address of the applicant.
  - 2. A description of the preparation methods and food product offered for sale including 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 9feet in width.
  - 4. Information setting forth the proposed hours of operation, area of operation, plans for power access, water supply and wastewater disposal.
  - 5. Copies of all necessary license or permits issued by Van Buren County and /or State of Michigan.
  - 6. Insurance coverage:

- (a) Proof of General Comprehensive Liability policy with limits of not less than \$2 million Combined Single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional injured.
- (b) Proof of Public liability and property Damage motor vehicle policy with limits of no less than \$1 million issued by an insurer licensed to do business in this State.
- C. Mobile Food Service Provider receiving a license under this ordinance shall pay the annual fee of \$150.00 for the ready to eat food for individual and \$25.00 for Farm Produce or as set from time to time by the City Commission.
- D. The City Clerk shall issue no more than 6 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 ordinance 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 5. Regulations.**

- A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within the areas within the city where the license holder has not been authorized to operate. The City Commission shall by resolution identify those streets and public area 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 side walk 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 off-site 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 the mobile food vehicles. No separate free-standing 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 60watts 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 special use 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 7 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 the public way shall be self-contained and a mobile food vehicle shall not use 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 or cable 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 except during a festival or other organized activity in the Park.

**SECTION 6. Enforcement.**

- A. Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the City shall be subject to a cease and desist order and a civil fine of \$100.00 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 provision of this ordinance and any rules or regulations promulgated by the City.

**SECTION 7. Repealer.**

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 8. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**SECTION 9. Effective Date.**

This ordinance shall become effective on the day of publication in the local newspaper.