



SPARTA TOWNSHIP

160 E. Division St, Sparta MI 49345
(616) 887-8863 Fax (616) 887-3823
www.spartatownship.org

MOBILE FOOD VENDING UNIT PERMIT APPLICATION

A Mobile Food Vending Unit Permit Application must be filled out completely. The following items must be included with the Application.

Application Fee: \$25.00

Permit Fee: \$300.00

1. **Information on the mobile food vending unit, to include a copy of the current vehicle registration and dimensions, which shall not exceed 36 feet in length or 10 feet in width**
2. **A plan which includes information setting forth the proposed locations of operation, dates of operations, hours of operation, plans for power access, water supply and wastewater disposal, and written property use agreements, if applicable.**
3. **Copies of all necessary licenses or permits issued by Kent County and the State of Michigan.**
4. **Insurance coverage:**
 - a. **Proof of Commercial Liability Insurance policy with limits of no less than \$1 million combined Single Limit coverage issued by an insurer licensed to do business in this state, and which names the Township as an additional insured.**
 - b. **Proof of Commercial Auto Policy with bodily injury and property damage with limits of no less than \$1 million per accident issued by an insurer licensed to do business in this state.**
5. **A signed statement that the licensee shall indemnify and hold harmless the Township, its officers, and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under the terms of the license.**

Applicant Name: _____

Address _____

Phone # _____ E-mail Address: _____

Event Address(es) _____ Parcel # 41-05-____-____-_____

Property Owner Name: _____

Phone # _____ E-mail Address: _____

Applicant Signature: _____

** I have read and understand the regulations contained in Ordinance 23-3 (attached to this application) and agree to comply with all such regulations.*

Property Owner Signature: _____

** The information on this form is filled out accurately to the best of my knowledge. I authorize the Zoning Administrator or their authorized agent access to my property for the purpose of inspecting the status of this project and compliance with the requirements of the permit.*

Permit Determination (office use only) _____

Date Received ____/____/____ Application Fee Paid \$_____ ☐ Cash ☐ Check #_____

Date Received ____/____/____ Permit Fee Paid \$_____ ☐ Cash ☐ Check #_____

Approved____ Denied _____ Date ____/____/____

Reason for denial_____

Signature of Zoning Administrator _____

SPARTA TOWNSHIP
KENT COUNTY, MICHIGAN

ORDINANCE NO. 23-3

**A POLICE POWER ORDINANCE TO ADD "MOBILE FOOD VENDING
UNITS" THE SPARTA TOWNSHIP CODE OF ORDINANCES.**

SPARTA TOWNSHIP ORDAINS:

The Sparta Township Code of Ordinances is amended to add the following Police Power Ordinance as follows:

ORDINANCE NO. 23-3

MOBILE FOOD VENDING UNITS

Section 1. Definitions.

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

Mobile Food Vending means vending, serving, or offering for sale food and/or beverages from a mobile food vending unit, 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 food vending.

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.

Operate means all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

Vendor shall mean any individual or group of individuals engaged in the business of mobile food vending. If more than one individual is operating a single stand, cart, or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart, or other means of conveyance.

Section 2. Permit Required.

It shall be unlawful for any person to operate a mobile food vending unit in the Township without first obtaining a permit as provided in this Ordinance.

Section 3. Application.

A person to operate a mobile food vending unit shall make written application for a permit to the Township Zoning Administrator. The application for a permit shall be on forms provided by the Township Zoning Administrator, and shall include the following:

(1) Name, signature, business address, telephone number, and email contact information of the applicant.

(2) Information on the mobile food vending unit, to include a copy of the current vehicle registration and dimensions, which shall not exceed 36 feet in length or 10 feet in width.

(3) A plan which includes information setting forth the proposed locations of operation, dates of operations, hours of operation, plans for power access, water supply and wastewater disposal, and written property use agreements, if applicable.

(4) Copies of all necessary licenses or permits issued by Kent County and the State of Michigan.

(5) Insurance coverage:

(a) Proof of Commercial Liability Insurance policy with limits of no less than \$1 million combined Single Limit coverage issued by an insurer licensed to do business in this state, and which names the Township as an additional insured.

(b) Proof of Commercial Auto Policy with bodily injury and property damage with limits of no less than \$1 million per accident issued by an insurer licensed to do business in this state.

(6) At the time of filing the application, a fee as established by resolution to cover the cost of the review and administrative processing, no part of which shall be refundable.

(7) A signed statement that the licensee shall indemnify and hold harmless the Township, its officers, and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under the terms of the license.

(8) Any event/festival desiring to operate an event/festival featuring mobile food vending units shall make written application for a permit to the Township Zoning Administrator and include all the information required for individual mobile vending units in the event/festival application.

Section 4. Review of Application and Issuance.

(a) Upon receipt of an application, the original shall be forwarded to the Township Zoning Administrator, for review as to compliance with all applicable laws and Ordinances. A background check may be completed as part of the application review.

(b) If as a result of such review the application is found not to be in compliance with all applicable laws and ordinances or background check, the Township Zoning Administrator shall endorse on the application disapproval and the reasons for disapproval and shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If as a result of such review the application is satisfactory, the Township Zoning Administrator shall approve the application. The Township Zoning Administrator, upon payment of the prescribed fee, shall issue a permit. All such permits shall contain the signature of the Township Zoning Administrator, and show the name and address of the applicant, a description of the mobile food vending unit, the amount of the fee paid, and the expiration date of the permit.

Section 5. Permit Categories.

Individual - This permit category is for one vendor operating one (1) Mobile Food Vending Unit.

Event/Festival - This permit category is for an Event or Festival that will have multiple Mobile Food Vending Units on site for a designated time frame in association with an approved Event or Festival in the Township.

Section 6. Fees.

An applicant for a mobile food vending unit permit shall pay an annual fee as established by resolution of the Township Board.

Section 7. Expiration.

Each mobile food vending permit shall expire on December 31st in the year of issuance.

There shall be no proration of fees.

Section 8. Limitations on Transfer of Permits.

(a) A permit issued under this Ordinance shall not be transferable from person to person nor from business to business nor from vendor to vendor or event/festival to event/festival or any combination thereof.

(b) A permit is valid for one mobile food vending unit and shall not be transferred between mobile food vending units.

Section 9. Exceptions.

A permit issued under this Ordinance shall not be required for any school-sponsored mobile food vending unit operating on school property. Not for profit groups who operate mobile food vending units on an infrequent and irregular basis and on private property are exempt from permitting under this Ordinance. Restaurants who operate a permanent business physically present in Sparta Township are also exempt under this Ordinance while mobile vending on their own private property, but they shall not subcontract or hire such vendors in an attempt to evade this Ordinance. Mobile food vending that occurs entirely indoors, located inside a building or within a courtyard hidden from the general public is exempt under this Ordinance. Groups and individuals who are exempt under this Ordinance from permitting must still receive written permission from the Township before operating on public property.

Section 10. Locations.

(a) Appropriate locations for mobile food vending units shall be limited to the areas as stated in a Resolution of the Township Board or private property with a written agreement signed by the property owner. The use of other public areas, including on-street parking is prohibited without written permission from the Township without exception.

(b) Mobile food vending units may not be parked and shall not operate within 200 feet (measured to property boundary) of any restaurant when such a restaurant is open to the public for business, unless written permission has been acquired from all restaurants within the radius. This does not apply to a restaurant already physically present in the Township on a permanent basis, from mobile vending on their own private property.

(c) Mobile food vending units are not permitted within 1,000 feet (measured to property boundary) of any fair, festival, special event, or civic event, or other event with Township approved community event status unless written permission from the event coordinator is obtained.

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

(e) Mobile vending units must be setback a minimum of 20 feet off the property line of any public road and must be a minimum of 50 feet away from the property line of any residential property. Mobile vending units may not operate on a single-family residential property unless as noted in Section 10 (f).

(f) Events, parties, or other activities on private property that require catering or a food truck on site are exempted from this requirement as long as food is not served to the general public and is limited to the event on private property.

Section 11. Hours of Operation.

(a) Mobile food vending units shall be permitted to operate on public property between 9:00 a.m. and 9:00 p.m. unless specifically authorized by the Township as part of an event or festival. Mobile food vending units may only operate within residential zoned areas between the

hours of 9:00 a.m. and 9:00 p.m. and in commercially zoned areas between the hours of 7:00 a.m. and 11:00 p.m. Any mobile food vending unit shall be stored indoors or outside of the Township when it is not operating.

(b) A mobile food vending unit shall not be parked overnight on public property or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded. Mobile food vending units parked on public property as part of a Township approved Event or Festival are allowed to park overnight with permission from the Event/Festival organizer.

(c) Mobile food vending units shall be permitted to operate on private property during the hours of operation of the primary use business and shall not operate as an accessory use before or after the primary use business is open for business. The private property owner may dictate mobile vending operations less than their business hours

Section 12. Regulations.

(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 a waste container for public use which the vendor 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 each day. Spills of food or food by-products shall be cleaned up and no dumping of gray water is permitted.

(c) 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 Township noise ordinance, including generators. No loud music, other high-decibel sounds, horns, "crying out" or any other audible methods to gain attention are permitted.

(d) Signage is permitted when placed on mobile food 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 (6) square feet in residential districts or twenty-four (24) square feet in commercial or industrial districts is permitted but the signage must be located entirely within 20 feet of the mobile vending unit. The vendor will secure permission from property owner prior to displaying sign. The vendor must otherwise follow the Township's sign ordinance, including sandwich board signs.

(e) No flashing or blinking lights, or strobe lights, are allowed on mobile food vending units or related signage at any time. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.

(f) Awnings for mobile food vehicles shall have a minimum clearance of 7 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 20 feet of the vending unit and shall not constitute a danger or impedance to the public.

(g) 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 equipment shall be extended at or across any Township Street, alley, or sidewalk.

(h) The vendor shall make the mobile food vending unit permit available for inspection by any member of law enforcement or to the Township Zoning Administrator at any time the vendor is operating.

(i) The vendor shall follow all local, state and federal laws, rules and regulations in their operation of the mobile vending unit. A permit obtained under this Ordinance shall not relieve the vendor of the responsibility of obtaining any other permit or authorization required by other ordinance, statute, or administrative rule.

(j) The vendor shall not represent the granting of a permit under this Ordinance to be in any way an endorsement by the Township.

(k) All permits and licenses shall be prominently displayed on the mobile food vending unit.

Section 13. Revocation.

(a) Permits issued under the provisions of this Ordinance may be revoked by the Township Zoning Administrator after notice and hearing, by a preponderance of the evidence for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for permit or made in the course of operating a mobile food vending unit;

(2) Conducting the business of a mobile food vending unit in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; or

(3) Any violation of this Ordinance.

(4) Failure to possess or maintain any required food safety licensure.

(b) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the applicant at the address provided at least five days prior the date set for the hearing.

(c) Permits issued under the provisions of this Ordinance may be immediately suspended by any law enforcement or health safety officer or the Township Zoning Administrator prior to notice and hearing if continued operations of the mobile vending unit would be harmful to the

health or safety of the general public. Any permit suspended under this section shall remain suspended until such time as a notice and hearing may take place regarding the truth of the accusation made regarding the health or safety effects of the mobile vending unit.

Section 14. Appeals.

Any person aggrieved by the action of the Township Zoning Administrator, law enforcement or health safety officer in the denial of an application for a mobile vending permit, or in the decision with reference to the revocation or suspension of a permit as provided in this Ordinance shall have the right of appeal to the Township Board. Such appeal shall be taken by filing with the Board, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and place for a hearing on such appeal, and a notice of such hearing shall be given the appellant in the same manner as provided for notice of a hearing on revocation. The decision and order of the Township Board on such appeal shall be final and conclusive.

Section 15. Violations.

Except as otherwise provided by state law, persons who violate any of the provisions of this Ordinance are responsible for a municipal civil infraction. Each day that a violation exists shall be considered a new and separate offence and shall have imposed a new and separate municipal civil infraction.

Section 16. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 17. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 18. Effective Date. This Ordinance shall take effect 30 days after publication in a newspaper of general circulation in the Township, whichever occurs later.