

Chapter 804 – Food Trucks

Section 804.1 – Intent

To encourage mobile food vendors who add to the vibrancy of Lenox Township and provide a framework under which such businesses operate. This Ordinance does not apply to any vehicle allowed to operate by the terms of an existing legal consent judgment.

Section 804.2 – Enabling Authority and Purpose

The provisions 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.

Section 804.3 – Definitions

Mobile Food Vehicle – A motorized vehicle which may upon issuance of a license by the Township Clerk and conformance with the regulations established by the ordinance may temporarily park upon a public area 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 Vending – shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a t- shirt that bears the name of the organization engaged in mobile food vending.

Vendor – shall mean any individual 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.

Operate – shall mean 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.

Section 804.4 – Permit Required.

No vendor shall engage in Mobile Food Vending without a permit from the Township Clerk authorizing such vending. The Township Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food

vending unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. A permit issued under this ordinance shall not be transferable from person to person. A permit is valid for one vehicle only and shall not be transferred between vehicles. The Township Clerk shall issue no more than 5 active mobile food vehicle permits for any permitting period.

The permit application 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 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 thirty (30) feet in length and ten (10) 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 license or permits issued by the Macomb County Health Department, including a copy of the "letter of intent" provided to Macomb County.
6. Insurance Coverage:
 - a) Proof of General Comprehensive Liability policy with limits of no less than \$2 million Combined Single Limit Coverage issued by an insurer licensed to do business in the State of Michigan and which names the Township 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 the State of Michigan.

Section 804.5 – Fees

All vendors receiving a permit under this ordinance shall pay the appropriate fee as set from time to time by the Township Board. There shall be no proration of fees, however, Churches and other registered 501(c)(3) organizations within the boundaries of Lenox Township shall be exempt from payment of the permit fees with the Township Clerk and the Township Supervisor, both concurring and upon receiving the proper evidence that the applicant is a registered and legitimate 501(c)(3) organization, issuing a written letter, with both of their signatures, stating that the organization has been exempted from the permit fees. Fees are not refundable once a permit has been issued by the Township Clerk.

Section 804.6 - Regulations

Any vendor engaging in Mobile Food Vending shall comply with the following regulations:

1. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within the areas of the Township where the permit holder has not been authorized to operate. The Township Board shall by resolution identify those streets and public areas where parking

by mobile food vehicles is permitted.

2. 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 shall be prepared, sold, or displayed outside of mobile food vehicles.
3. 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 preparation 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 street is allowed.
4. Mobile Food Vendors shall comply with the Township's Noise Ordinance, Sign Ordinance and all other Township Ordinances.
5. 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.
6. 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 twelve (12) square feet is also permitted.
7. 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 or towed.
8. 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 Township unless the vendor has obtained permission from the event sponsor.
9. 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 permit has been obtained to allow for such use.
10. Any power required for the mobile food vehicle located on public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. All power sources must be self-contained. No power or cable equipment shall be extended at or across any Township street, alley or sidewalk.
11. A mobile food vendor may only operate the following hours:
9:00 AM – 9:00 PM in residential areas
7:00 AM – 11:00 PM in commercial areas
6:00 AM – 3:00 AM on private property within a commercial area.

804.5 Other Permits

A permit obtained under this ordinance shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.

804.6 Revocation

The Township Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Ordinance or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare. Immediately upon such revocation, the permit shall become null and void.

804.7 Complaints; Appeals

If a permit is denied or revoked by the Township Clerk, the applicant or holder of a permit may appeal to and have a hearing before the Township Supervisor's. The Township Supervisor shall make a written determination. If the denial or revocation is supported in the written determination of the Township Supervisor, the applicant may appeal the Township Supervisor's decision to Township Board.

804.8 Enforcement

Any permit holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the Township shall be subject to a civil fine of \$500 per day. Each day of violation shall constitute a separate and distinct offense.

804.9 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 portions of this ordinance.

Effective Date: April 16, 2023

Amended Date: June 5, 2023