

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 1901

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

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Sections 25-63 to 25-68 of the Kalamazoo City Code are created to read as follows:

“ARTICLE IV

Mobile Food Vehicle Vendors

Section 25-63. Short Title

This ordinance may be referred to as the city of Kalamazoo Mobile Food Vehicle Ordinance.

Section 25-64. Definitions

MOBILE FOOD VEHICLE -- A motorized vehicle which may upon issuance of a license by the City Clerk and conformance with the regulations established by this ordinance may temporarily park upon a public street 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 VEHICLE VENDOR -- The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor".

Section 25-65. Scope

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 and stands located on sidewalks.

Section 25-66. 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 the 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 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 36 feet in length or 9 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 Kalamazoo County Health Department.

(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 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. All vendors receiving a license under this ordinance shall pay the annual fee as set from time to time by the City Commission.

D. The City Clerk shall issue no more than 10 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 25-67. Regulations

A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate. The City Commission shall by resolution identify those streets and public areas 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 sidewalk 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 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 60 watts 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 a 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 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.

Section 25-68. 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 civil fine of \$250 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 provisions of this ordinance and any rules or regulations promulgated by the City.

Section 2. Repealer.

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

Section 3. 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,

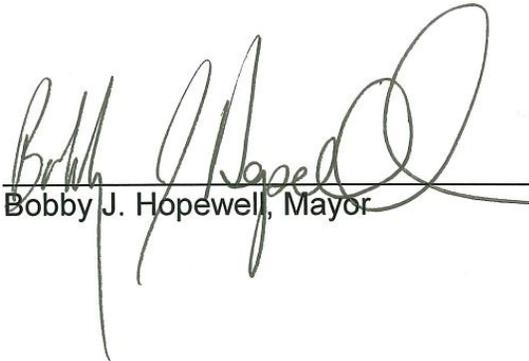
said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

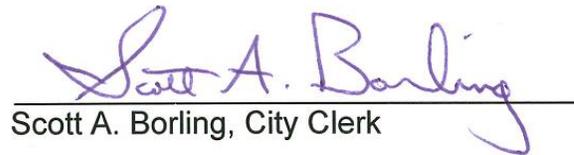
Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 20, 2012. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.



Bobby J. Hopewell, Mayor



Scott A. Borling, City Clerk