

ORDINANCE NO. 2021-44
CHAPTER 34
ARTICLE I

AN ORDINANCE to amend Chapter 34 of the 2019 Detroit City Code, *Peddlers, Solicitors and Vendors*, Article I, *Foot, Stationary, and Street Vendors*:

(1) Division 1, *Generally*, by adding Subdivision A, *General Regulations*, consisting of current Sections 34-1-1 through 34-1-14, and by adding Subdivision B, *Additional Regulations for Mobile Food Establishments and Special Transitory Food Units*, consisting of Section 34-1-15, *Food protection and storage – refrigeration system required*, Section 34-1-16, *Methods for washing, rinsing, and sanitizing utensils and equipment; cleanliness of personnel*, Section 34-1-17, *Potable water supply; wastewater disposal required*, Section 34-1-18, *Solid waste disposal*, Section 34-1-19, *Parking and service to customers; signage and seating requirements*, and Section 34-1-20, *Power source*, to provide additional regulations for mobile food establishments and for special transitory food units;

(2) Division 1, *Generally*, by repealing Section 34-1-13, *Use of noise-making devices*, to remove prohibition for use of noise-making devices by street vendors;

(3) Division 1, *Generally*, by amending Section 34-1-1, *Definitions*, Section 34-1-5, *Stationary, foot, and street vendors generally, additional rules and guidelines; authorized locations; restrictions*, Section 34-1-6, *Vending in the Central Business District Vending Area and Cultural Center Vending Area*, Section 34-1-8, *Restrictions on items approved for vending*, Section 34-1-9, *Sales near schools prohibited; distance requirements for vendors near any sport arena or stadium; exception*, Section 34-1-11, *Disposal of solid waste*, and Section 34-1-14, *Other provisions*, to amend the terms “Central Business District Vending Areas”, “helper”, and “street vendor”; to add the terms “Food Unit Zone”, and “special transitory food unit”; to modify regulations for mobile food establishments; to remove registration requirements for helpers under the age of 18 years of age; and to provide for regulation of special transitory food units; and

(4) Division 2, *License*, by amend-

ing Section 34-1-21, *Required; approved locations; special licenses and permits*, Section 34-1-22, *Application; information required*, Section 34-1-24, *Vendors of food; permits generally*, Section 34-1-25, *Food vendors; licensing; insurance; operation*, Section 34-1-26, *Health Department approval required*, and Section 34-1-27, *State license a prerequisite to obtaining City licenses*, to modify regulations for mobile food establishments and to provide regulation of special transitory food units.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 34 of the 2019 Detroit City Code, *Peddlers, Solicitors, and Vendors*, Article I, *Foot, Stationary, and Street Vendors*, Division 1, *Generally*, be amended by adding Subdivision A, *General Regulations*, consisting of Sections 34-1-1 through 34-1-12 and 34-1-14, and Subdivision B, *Additional Regulation for Mobile Food Establishments and Special Transitory Food Units*, consisting of Sections 34-1-15 through 34-1-20, by repealing Section 34-1-13, and by amending Sections 34-1-1, 34-1-5, 34-1-6, 34-1-8, 34-1-9, 34-1-11 and 34-1-14, and Division 2, *License*, by amending Sections 34-1-21, 34-1-22, 34-1-24, 34-1-25, 34-1-26 and 34-1-27, to read as follows:

**CHAPTER 34. PEDDLERS,
SOLICITORS, AND VENDORS
ARTICLE I. FOOT, STATIONARY,
AND STREET VENDORS
DIVISION 1. GENERALLY**

**Subdivision A. General Regulations
Sec. 34-1-1. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Approved location means a location that has been approved for stationary vending by the Buildings, Safety Engineering, and Environmental Department in accordance with this article.

Approved removable stand means structures or tables, not including a food pushcart, that does not exceed four feet in width, eight feet in length parallel to the curb, and eight feet in height, which has been approved for use by a licensed stationary vendor at an approved location in accordance with this article.

Central Business District Vending Area means the area bounded by the Detroit

River, and the center lines of Brooklyn Avenue (extended), West Jefferson Avenue, Eighth Street, West Fort Street, Brooklyn Avenue, Porter Street, John C. Lodge Freeway (M-10), Fisher Freeway (I-75), Third Street, West Grand River, Temple Avenue, Fourth Street, Charlotte Street, Woodward Avenue, Fisher Freeway (I-75), Chrysler Freeway (I-375), East Jefferson Avenue, Rivard Street, Atwater Street and Riopelle Street extended to the Detroit River. The boundaries of the Central Business District are depicted in Figure 50-16-151 of this Code.

Cooler means a portable insulated storage device not exceeding 60 quarts capacity constructed of durable materials manufactured for the purpose of keeping commercially-sealed unopened containers or packages of food products, including beverages, cold through the use of ice, dry ice, and/or ice packs.

Cultural Center Vending Area means the area bounded by the Edsel Ford Freeway (I-94), Brush Street, Forest Avenue, and the John C. Lodge Freeway (M-10).

Food means, as likewise defined in Section 1107(m) of the Michigan Food Law, being MCL 289.1107(m), articles used for food or drink for humans or animals, chewing gum, and articles used for components of any such article.

Food pushcart means a movable cart approved by the Health Department that returns to a licensed commissary for servicing and maintenance as required by the Health Department and that is limited to serving frankfurters and non-potentially hazardous food or beverages, coffee, ice cream, and non-potentially hazardous coffee condiments at an approved location.

Food service establishment means, as likewise defined in Section 1107(t) of the Michigan Food Law, being MCL 289.1107(t), a fixed or mobile restaurant, food pushcart, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place where food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public, except as provided by Section 1107(t) of the Michigan Food Law, being MCL 289.1107(t).

Food Unit Zone means an area identified by the Department of Public Works and the Municipal Parking Department

and approved by resolution of City Council every two years, which is located within the Central Business District Vending Area or the Cultural Center Vending Area and has been authorized for the vending of food from mobile food establishments and special transitory food units.

Foot vendor means any person who sells goods, which such person carries on their person, while walking about at all times on the sidewalks of the City except while making and completing a sale, provided, that foot vendors are prohibited in the Central Business District Vending Area or the Cultural Center Vending Area.

Goods means any merchandise, publications, wares, or other non-food commodity or product of any description.

Handcrafted goods means items created or produced by a craftsman where the starting materials are significantly altered or enhanced by the craftsman and the handcrafted components functionally and/or aesthetically dominate any non-handcrafted (commercial) components.

Helper means a person who is licensed under this article to aid and assist a licensed vendor in the sale of food or goods from an approved removable stand, food pushcart, or vehicle.

Ice cream means a commercially pre-packaged single-serving frozen dessert labeled and packaged for individual sale.

Light-up or glow plastic accessories means those goods, such as necklaces and bracelets, made of plastic that illuminate from an internal light source not powered by batteries or an electrical cord.

Mobile food establishment means, as likewise defined in Section 1109(q) of the Michigan Food Law, being MCL 289.1109(q), a food service establishment that operates from a vehicle, including a watercraft, which returns to a mobile food establishment commissary for servicing and maintenance at least once every 24 hours.

Mobile food establishment commissary means, as likewise defined in Section 1109(r) of the Michigan Food Law, being MCL 289.1109(r), an operation that is capable of servicing a mobile food establishment.

Moving traffic lane means a traffic lane where stopping, standing, or parking of motor vehicles is prohibited at the time of the sale.

Person means an individual, association, corporation, partnership, sole proprietorship, or other legal entity.

Potentially hazardous food means any food that has to be kept at certain temperatures to minimize the growth of any

pathogenic microorganisms that may be present in the food or to prevent the formation of toxins in the food and includes food which consists in whole or in part of milk or dairy products, eggs except those treated to eliminate salmonella, meat, poultry, fish, shellfish, edible crustaceans, heat-treated plant food, specifically cooked rice, beans or vegetables, baked potatoes, sliced melons, raw sprouts, tofu and soy-protein foods, untreated garlic, and oil mixtures.

Sidewalk means that portion of any dedicated public right-of-way throughout the City reserved primarily for pedestrian traffic, including adjoining public berms, but does not include walkways located in parks or other publicly-owned properties, which are not dedicated public rights-of-way.

Snack foods means prepared and commercially prepackaged non-potentially hazardous food.

Special transitory food unit means, as likewise defined in Section 1111(i) of the Michigan Food Law, being MCL 289.1111(i), a temporary food establishment that is licensed to operate throughout the state without the 14-day limits.

Stationary vendor means any person who sells food or goods from an approved removable stand or a food push cart at an approved location.

Street means that portion of any dedicated public right-of-way throughout the City reserved for vehicular traffic, including all curbs along such streets.

Street vendor means any person who sells food or goods from a vehicle on a street within the City, including persons operating as a mobile food establishment, a special transitory food unit, or an industrial feeding establishment.

Vehicle means a self-propelled motor vehicle used by a vendor designed for transit on streets and highways.

Vendor means:

(1) Any person, traveling by foot or vehicle from location to location carrying and selling food or goods; or

(2) Any person, who without traveling by foot or vehicle, exhibits, displays, and sells food or goods from an approved removable stand, or a food pushcart, at an approved location on a City sidewalk.

Sec. 34-1-5. Stationary, foot, and street vendors generally; additional rules and guidelines; authorized locations; restrictions.

(a) While conducting business on any street, sidewalk, or public right-of-way in the City, vendors shall operate at all times in such a manner so as not to interfere with pedestrian or vehicular traffic.

(b) It shall be unlawful for any vendor to locate a vending operation in such a manner as to interfere with any building display window, entrance, or exit.

(c) With the exception of street vendors, it shall be unlawful for a vendor to engage in the sale of food or goods, or solicit any patronage, within 100 feet of the doorway of any established place of business that sells the same goods, unless the place of business provides a signed waiver of this requirement to the Buildings, Safety Engineering, and Environmental Department Business License Center. It shall be unlawful for a street vendor to engage in the sale of food or goods, or solicit any patronage, within 200 feet of the doorway of any established place of business that sells the same goods, unless the place of business provides a signed waiver of this requirement to the Buildings, Safety Engineering, and Environmental Department Business License Center. The distance limitation shall be determined by measuring from either side of a point at the curb opposite the door or entrance on the building.

(d) Street vendors, except those licensed as mobile food establishments, special transitory food units or industrial feeding establishments, shall keep their vehicles in motion at all times other than while engaging in sales activities. Similarly, foot vendors shall walk about at all times other than while displaying goods to a customer or completing a sales transaction.

(e) With the exception of a mobile food establishment or a special transitory food unit, no more than three persons shall aid, assist, sell or operate on or in connection with any licensed vendor's approved removable stand or food pushcart, and each person assisting or helping a licensed vendor shall possess a separate helper's license. Where authorized by the licensed vendor, a licensed helper may operate at an approved vending location in the absence of the licensed vendor. Vendors and helpers shall be subject to all requirements of this article and any applicable rules of the Buildings, Safety Engineering, and Environmental Department Business License Center and the Health Department.

(f) It shall be unlawful for any vendor to throw or deposit any goods, merchandise, packaging, containers, fat, grease, paper or other liquid or solid waste upon any alley, street or sidewalk, or in any sewer in the City.

(g) All vendors shall comply with the

requirements of state law and this Code, including the provisions of the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of this Code. Further, all vendors selling food shall comply with all applicable state law and provisions of this Code, and administrative rules that have been promulgated by the Director of the Buildings, Safety Engineering, and Environmental Department in accordance with Section 2-111 of the Charter. In addition to the requirements of this article, stationary vendors using food pushcarts shall comply with the following:

(1) A food pushcart may not be used in combination with an approved removable stand, or other display item, including, but not limited to, stand, container, or table;

(2) Where used to shelter the stand, an umbrella shall be in good repair, supported by a single pole, and be not more than five feet in diameter and eight feet in height; and

(3) Not more than one cooler, as defined in section 34-1-1 of this Code, which is separate from the licensed unit and only used for the storage of commercially-sealed unopened containers or packages to be sold, may be used in conjunction with the operation of a food pushcart, except, that a food pushcart vendor may use two separate coolers where the combined total capacity of the two coolers does not exceed 60 quarts, provided, that ice in any cooler used by the vendor shall not be used or sold or used for consumption and melting ice and fluids shall be drained from the cooler and disposed of by the vendor in a sanitary manner and not deposited upon any alley, street or sidewalk, or in any sewer in the City.

(h) While conducting business on any street, sidewalk, or public right-of-way in the City, vendors shall operate in compliance with all provisions of this Code that govern sidewalks and other public places, and traffic and motor vehicles.

(i) Vendors shall not engage in vending operations as follows:

(1) Stationary and foot vendors between the hours of 11:00 p.m. and 7:00 a.m.; and

(2) Street vendors between the hours of 11:00 p.m. and 5:00 a.m., provided, that any mobile food establishment or special transitory food unit must cease food service by 11:00 p.m. and have left the vending location by 12:00 a.m.

(j) No approved removable stand or food pushcart, or any street vendor, shall be within 20 feet of any building entrance way or emergency exit, driveway, corner, sidewalk café, bus stop, pedestrian cross-

walk, or fire hydrant. The first 20-foot limitation shall be determined by measuring 20 feet on either side of a point at a curb opposite the door or entrance on the building.

(k) Stationary vendors and street vendors shall not engage in any vending business on, or at, any sidewalk unless such sidewalk has a minimum width of at least ten feet measured from the curb line to the boundary of any private property.

(l) Vendors shall not place removable stands or food pushcarts upon any sidewalk unless the sidewalk has at least a six-foot unobstructed pedestrian path to be measured from the removable stand or food pushcart to the boundary of any private property.

(m) Vendors shall not place removable stands or food pushcarts within two feet of the curb line of any sidewalk.

(n) In addition to the requirements of this article, stationary vendors using approved removable stands shall comply with the following:

(1) Where a table is used by the vendor, the stand shall be draped on all four sides with a skirt in good repair;

(2) Merchandise not being displayed for sale shall be stored out of public view;

(3) Where used to shelter the stand, an umbrella shall be in good repair, supported by a single pole, and be not more than five feet in diameter and eight feet in height;

(4) Merchandise to be sold shall be displayed in a neat and orderly fashion and only upon the approved removable stand;

(5) An approved removable stand shall not be used in combination with a food pushcart;

(6) Where beverages or snack foods are being sold in conjunction with an approved removable stand, no more than two coolers, as defined by Section 34-1-1 of this Code, may be used for the storage of commercially-sealed unopened food items to be sold, provided, that ice in a cooler shall not be used or sold for consumption and melting ice and fluids shall be drained from the cooler and disposed of by the vendor in a sanitary manner and not deposited or drained on any alley, sidewalk or street; and

(7) At an approved location for stationary vending, vendors shall be allowed to sell either non-edible good or edible food, but not both types of items.

(o) Approved removable stands or food pushcarts, or any other item related to the operation of the vending operation, shall not touch, lean against, or be affixed

permanently or temporarily to any building or structure, including, but not limited to, benches, bicycle racks, bus shelters, kiosks, lampposts, mailboxes, parking meters, refuse containers, signs, street lights, traffic signals, or trees.

(p) Items relating to the operation of the vending business shall not be left at the vending location when the vending business is not in operation.

(q) Stationary vendors are prohibited from displaying or selling alcoholic beverages, contraband goods, drug paraphernalia, electrical items, fireworks, food items that have not been approved in writing by the Health Department, second-hand goods, tattoos, and unlicensed goods, provided, that licensed stationary vendors at City-approved events and festivals may display and sell alcoholic beverages with approval from the Chief of Police, or the Chief's designee, and the Health Department.

(r) It shall be unlawful for any foot vendor to display or sell any food or goods in the Central Business District Vending Area or in the Cultural Center Vending Area.

(s) In accordance with Section 2-111 of the Charter, the Director of the Buildings, Safety Engineering, and Environmental Department is authorized to promulgate rules to govern the process of assigning approved locations to licensed stationary vendors within the City and for the issuance of special permits or licenses during City-approved events and festivals. Vendors operating during City-approved events and festivals shall be required to obtain a vending license or permit and be subject to other requirements pursuant to agreement or resolution for the event or festival, or as specified in the rules promulgated by the Director of the Buildings, Safety Engineering, and Environmental Department.

(t) The Director of the Buildings, Safety Engineering, and Environmental Department is authorized, in consultation with the Department of Public Works or the Municipal Parking Department, to designate such other streets, sidewalks, parts of streets or sidewalks, districts, or areas where it shall be unlawful for any vendor to operate or conduct the vendor's business, for the reason that, due to congested traffic conditions or the character of the neighborhood, the conduct of such business constitutes a public nuisance or, upon the recommendation of the Public Health Director, the conduct of such business constitutes a hazard to public health.

(u) The Buildings, Safety Engineering, and Environmental Department, the Health Department, or the Police Department, may prohibit the sale of any items where determined that the sale of such items on City streets, sidewalks, or parts of streets or sidewalks, would jeopardize the health, safety or general welfare, or be damaging or detrimental to properties adjacent to, or in the vicinity of, the vending location.

(v) Except during City-approved events and festivals, stationary vending on the south side of Jefferson Avenue from the Walter P. Chrysler Freeway (I-375) to Washington Boulevard, is prohibited unless authorized by the Buildings, Safety Engineering, and Environmental Department Business License Center, or a City department having jurisdiction over activities on public property in the area.

(w) Approved removable stands and food pushcarts shall have advertising and other signage limited to the name of the stand, the items to be sold, and the price of the items to be sold.

(x) A vendor shall not create noxious smoke, or strong odors, which annoy, disturb, injure, or endanger the health, peace, safety, or welfare of others through the preparation or presentation of food or goods to be sold.

Sec. 34-1-6. Vending in the Central Business District Vending and Cultural Center Vending Areas.

(a) Only stationary vendors, mobile food establishments, and special transitory food units licensed in accordance with this article shall be authorized to operate in the Central Business District Vending Area and the Cultural Center Vending Area.

(b) The number of licenses issued for stationary vending in the Central Business District Vending Area or Cultural Center Vending Area may be limited by public convenience and necessity. In determining public convenience and necessity, the Director of the Buildings, Safety Engineering, and Environmental Department shall consider the number of vendor licenses issued, the demands of the public for vendors, the vehicular and pedestrian traffic conditions, the impact on existing businesses in the area, whether such service would result in a greater hazard to the public, and such other related facts as may be deemed advisable or necessary. The disapproval of a location for vending by the Director of the Buildings, Safety Engineering, and Environmental Department shall be final unless there is new information supporting approval of the vending location.

(c) No more than one stationary vending license shall be issued under this section to any one person, and each such license shall permit the licensee to operate only one vending stand or food pushcart.

(d) Except for vendors licensed to operate in conjunction with a City-approved event or festival, stationary vendors under this section shall be allowed to sell only the following items from an approved location:

(1) Accessories, which shall be limited to belts, handbags, sunglasses, umbrellas, and wallets;

(2) Artwork, including existing paintings, prints, photographs, and sculptures;

(3) Auxiliary cords;

(4) Balloons;

(5) Bluetooth headphones;

(6) Bluetooth speakers (small only);

(7) Bluetooth transmitter interfaces;

(8) Car chargers;

(9) Cell phone cases and protectors;

(10) Cell phone charger cords;

(11) Cell phone chargers, including portable battery packs;

(12) Cell phone ear buds;

(13) Cell phone wall chargers;

(14) Coffee, beverages, frankfurters, or other food items:

a. From a food pushcart licensed by the Health Department; or

b. From an approved removable stand and, where required, the vendor has obtained written approval from the Health Department of any food items to be sold;

(15) Confections and snack foods in commercially-sealed unopened containers and packages that are not potentially hazardous and written approval from the Health Department of the item is not required;

(16) Disposable cameras;

(17) Ethnic apparel and clothing, which is limited to wearing apparel that is particular to a specific nationality distinguished by custom, heritage, or language;

(18) Fragrances, incense, shea butter;

(19) Fresh flowers;

(20) Fresh fruit, whole and uncut;

(21) Handcrafted goods, as defined by Section 34-1-1 of this Code, including baskets, jewelry, leather, needle crafts, pottery, quilts, and wood carvings;

(22) Hand-drawn portraits or caricatures created on the spot;

(23) Ice cream in commercially-sealed and unopened containers and packages;

(24) Light-up or glow plastic accessories;

(25) Micro SD cards;

(26) Portable MP3 players (small only);

(27) Secure digital (SD) cards;

(28) Tablet cases and protectors; and

(29) Universal serial bus (USB) cards and devices.

Sec. 34-1-8. Restrictions on items approved for vending.

(a) Food pushcarts shall be limited to the preparation and serving of frankfurters, and to the serving of non-potentially hazardous foods, beverages, and commissary-wrapped foods maintained at proper temperatures.

(b) Menus listing all food and beverages to be sold from a food pushcart shall be submitted in writing to the Public Health Director and approved before a food pushcart permit is granted. Additions to or changes in menus must be submitted in writing to the Public Health Director for approval. Any unapproved deviation from the menu will result in immediate revocation of the license.

(c) All packaged food served shall bear a label clearly indicating all of the following:

(1) The date of packaging;

(2) The name and address of the person who prepared and packaged the food; and

(3) The name and address of the food service establishment or mobile food establishment commissary where the preparation and packaging was completed.

Sec. 34-1-9. Sales near schools prohibited; distance requirements for vendors near any sport arena or stadium; exception.

(a) It shall be unlawful for any vendor to park, stand, or stop in the right-of-way for the purpose of making any sale within 200 feet of any K-12 school property within the City.

(b) Vending locations for approved removable stands or food pushcarts that are within 300 feet from any sports arena or stadium shall not be approved by the Buildings, Safety Engineering, and Environmental Department Business License Center without the written approval of the owner or management of such sports arena or stadium.

(c) It shall be unlawful for any mobile food establishment or special transitory food unit to operate within 200 feet of any sports arena or stadium without the written approval of the owner or management of such sports arena or stadium.

Sec. 34-1-11. Disposal of solid waste.

Every vendor or such vendor's vehicle, approved removable stand or food pushcart must be equipped with a receptacle for disposing of the wrappers, papers, envelopes, or other solid waste connected with the vending operation. Every vendor

shall be responsible for picking up such wrappers, papers, envelopes, or other solid waste after the sale or delivery of food or goods. In addition, stationary vendors, mobile food establishments, and special transitory food units shall be responsible for continuously picking up all solid waste within 15 feet of such vendor's approved removable stand, food pushcart, or vehicle.

Sec. 34-1-13. Reserved.

Sec. 34-1-14. Other provisions.

(a) During transit, all openings to food preparation areas must be completely protected by tight-fitting covers secured with latches.

(b) Food pushcarts, mobile food establishments, and special transitory food units shall provide only single-service articles for use by the customer.

(c) The name, address, and telephone number of the owner of a food pushcart, mobile food establishment, or special transitory food unit shall be plainly indicated on each side of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum three-eighths-inch wide stroke.

(d) When not in use, all food pushcarts and mobile food establishments shall be stored at the commissary or other place approved by the Health Department.

(e) Spare tires, tools, and other equipment relating to the mechanical operation of a food pushcart shall not be stored in the food preparation, food storage, or utensil areas.

(f) Whenever food pushcarts, mobile food establishments, or special transitory food unit are in service, adequate gas and/or electrical power shall be provided to operate the cooking equipment, lighting, refrigeration, ventilation, and other systems necessary for the routine operation of the food pushcart, mobile food establishment, or special transitory food unit.

(g) Sale of food from a mobile food establishment or special transitory food unit shall be conducted within 500 feet of an approved and readily available toilet with hand-washing facilities, while sale of food from a food pushcart shall be conducted within 300 feet of an approved and readily available toilet with hand-washing facilities, or as otherwise approved by the Health Department to ensure proper sanitary facilities are available to food service vendors and helpers. The operators of food pushcarts, mobile food establishments, and special transitory food units shall provide the Health Department with a letter stating the available toilet facility before the license is approved.

(h) Food pushcarts, mobile food establishment, and special transitory food unit operations are subject to the water supply, sewage disposal, and plumbing requirements as set forth in Chapter 19, Article III, of this Code, *Sanitation Standards*.

(i) A copy of the limitations attached to the license of a food pushcart shall be carried on the food pushcart at all time. Such limitations may include restrictions pertaining to the types of foods, food preparation routines, utensil cleaning and sanitizing procedures, or any other procedures which are imposed by the Health Department.

Subdivision B. Additional Regulations for Mobile Food Establishments and Special Transitory Food Units

Sec. 34-1-15. Food protection and storage-refrigeration system required.

(a) All food, including ice, shall be from approved sources that comply with the Michigan Food Law, being MCL 289.1101 *et seq.*, which is incorporated by reference into this Code through Section 19-1-1, and Chapter 19, Article III, of this Code, *Sanitation Standards*, and shall be clean, wholesome, and safe for human consumption and free from spoilage, adulteration, or misbranding.

(b) Food, whether raw or prepared, if removed from the container or package where obtained, shall be stored in a clean and sanitized covered container except during necessary periods of preparation or service.

(c) All food shall be packaged and covered or enclosed in a suitable cabinet or refrigerator except during preparation or serving. Bulk foods and beverages must be dispensed from containers that provide complete protection during service.

(d) All mobile food establishments and transitory food units shall house facilities sufficient to maintain food temperatures as required by the Michigan Food Law, being MCL 289.1101 *et seq.*, which is incorporated by reference into this Code through Section 19-1-1, and Chapter 19, Article III, of this Code, *Sanitation Standards*. The temperature of potentially hazardous foods shall be 41 degrees Fahrenheit or below, or above 135 degrees Fahrenheit at all times except as otherwise provided for in this division. All refrigeration units shall be equipped with a thermometer accurate within two degrees Fahrenheit.

(e) Metal stem-type numerically scaled, indicating thermometers accurate to two degrees Fahrenheit shall be equipped and used by all food preparation vendors and

helpers to assure the attainment and maintenance of proper internal cooking and holding or refrigeration temperatures of all potentially hazardous food.

(f) Food products remaining after each day's operation shall be properly stored and refrigerated at 41 degrees Fahrenheit or below. All non-refrigerated food products shall be stored at least six inches off the floor on approved shelving or cabinet units.

(g) It shall be unlawful for a mobile food establishment or special transitory food unit to prepare, sell, or display any food outside of the establishment or unit unless specifically permitted by the Health Department.

Sec. 34-1-16. Methods for washing, rinsing, and sanitizing utensils and equipment; cleanliness of personnel.

(a) Utensils and equipment used on mobile food establishments and special transitory food units must be washed, rinsed, and sanitized using equipment and methods specified in the Michigan Food Law, being MCL 289.1101 *et seq.*, which is incorporated by reference into this Code through Section 19-1-1, and Chapter 19, Article III, of this Code, *Sanitation Standards*.

(b) In accordance with the Michigan Food Law, being MCL 289.1101 *et seq.*, and Chapter 19, Article III, of this Code, *Sanitation Standards*, all mobile food establishment and special transitory food unit vendors shall:

(1) Keep their hands and exposed portions of their arms clean;

(2) Wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles; and

(3) Refrain from using any form of tobacco, eating, or drinking in areas where contamination of food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles may result.

Sec. 34-1-17. Potable water supply; wastewater disposal required.

(a) Potable water supply tanks shall have an adequate amount of water in their fresh water holding tank and be designed so the tank can be flushed, cleaned, and sanitized. Such tanks shall have a drain that permits complete drainage.

(b) Potable water tanks shall have no common interior partition with the tank holding non-potable water or other liquids. Water tank overflow or vents, if present, shall terminate in a downward direction and shall be located, screened,

and constructed so as to prevent the entrance of contaminants.

(c) Mobile food establishments and special transitory food units must be equipped with a suitable liquid waste tank that has a capacity at least 15 percent larger than the fresh water tank. The tank shall be emptied, flushed, cleaned, and sanitized as often as necessary to maintain sanitary conditions. Mobile food establishments and special transitory food units are prohibited from emptying wastewater directly into sewers and storm drains.

Sec. 34-1-18. Solid waste disposal.

(a) In addition to the provisions found in Section 34-1-11 of this Code, each mobile food establishment or special transitory food unit shall have one or more adequately-sized refuse container with a tight fitting cover for use by customers and food service personnel.

(b) All solid waste, including trash and garbage, originating from the operation of the mobile food establishment or special transitory food unit shall be collected and disposed of off-site by the operators each day at their own expense.

(c) Spills of food or food by-products shall be cleaned up immediately.

(d) Transportation of containers shall not result in contamination of work surfaces.

Sec. 34-1-19. Parking and service to customers; signage and seating requirements.

(a) Mobile food establishments and special transitory food units shall only vend as follows:

(1) *Central Business District and Cultural Center Vending Areas*. All mobile food establishments and special transitory food units shall only vend on public streets in the Central Business District Vending Area and in the Cultural Center Vending Area, in Food Unit Zones, as defined in Section 34-1-1 of this Code, whose locations and times shall be designated by the Director of the Department of Public Works in conjunction with the Director of the Municipal Parking Department.

(2) *General metered parking*. All mobile food establishments and special transitory food units vending at any location outside of the Central Business District Vending Area or Cultural Center Vending Area, as defined in Section 34-1-1 of this Code, may vend at any metered parking spot so long as in conformance with applicable parking regulations, and shall not hinder the lawful parking or operation of other vehicles.

(3) *Unmetered parking*. All mobile food establishments and special transitory food

units vending at any location outside of the Central Business District Vending Area, or the Cultural Center Vending Area, as defined in Section 34-1-1 of this Code, may vend at any unmetered parking spot so long as in conformance with applicable parking regulations, and shall not hinder the lawful parking or operation of other vehicles.

(b) The customer service area for any mobile food establishment or special transitory food unit shall be on the side of the mobile food establishment or special transitory food unit that faces a curb or sidewalk when parked.

(c) Any and all signage, bollards, seating, or other equipment must be contained within the mobile food establishment or special transitory food unit. When extended, awnings shall have a minimum clearance of seven feet between the ground level and the lowest point of any awning or support structure.

Sec. 34-1-20. Power source.

(a) Any power required for a mobile food establishment or special transitory food unit located on a public right-of-way shall be self-contained, shall not create a hazard, and shall not be drawn from utilities in the public right-of-way.

(b) Mobile food establishments and special transitory food units on private property may use electrical or other power from the property being occupied or a directly-adjacent property, but only when a property owner provides written consent to do so.

DIVISION 2. LICENSE

Sec. 34-1-21. Required; approved locations; special licenses and permits.

(a) It shall be unlawful to conduct or to maintain any business or occupation of foot vendor, stationary vendor, or street vendor in the City without first having obtained a license from the Buildings, Safety Engineering, and Environmental Department Business License Center to operate such business.

(b) No person shall assist or help a foot vendor, stationary vendor, or street vendor without a license issued by the City.

(c) In accordance with Section 2-111 of the Charter, the Buildings, Safety Engineering, and Environmental Department is authorized to promulgate administrative rules to govern the process of assigning approved locations to licensed stationary and street vendors within the City and for the issuance of special licenses or permits during City-approved events and festivals. Vendors operating during City-approved events and festivals are required to obtain a vending license or permit and are subject

to other requirements pursuant to any agreement or resolution approving the event or festival, or as specified in the administrative rules promulgated by the Director of the Buildings, Safety Engineering, and Environmental Department.

Sec. 34-1-22. Application; information required.

(a) An application for a license under this division shall be made on a form that is provided by the Buildings, Safety Engineering, and Environmental Department Business License Center. The application shall be considered complete when the appropriate person has signed and dated the application in the presence of a notary public, has paid the required license fee, and has provided the information that is required on the form, including:

(1) Where the applicant is an individual:

a. The applicant's full legal name and any other name used by the applicant during the preceding five years;

b. The applicant's current mailing address, telephone number, and e-mail address; and

c. Written proof of age in the form of a driver's license, or a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency;

(2) Where the applicant is a partnership:

a. The legal name and any other name used by the partners during the preceding five years; and

b. The current mailing address and e-mail address for the business;

(3) Where the applicant conducts business under a trade or assumed name:

a. The complete and full trade or assumed name;

b. The county where and date that the trade or assumed name was filed;

c. The name of the person doing business under such trade or assumed name, the manager, and other person in charge; and

d. The current mailing address and e-mail address for the business;

(4) Where the applicant is a corporation:

a. The full and accurate corporate name;

b. The state and date of incorporation;

c. The full names and addresses of officers, directors, managers, and other persons with authority to bind the corporation; and

d. The current mailing address and e-mail address for the business;

(5) The name, business address and telephone number of the business;

(6) The name and business address of the statutory agent, or other agent, who is authorized to receive service of process;

(7) The federal taxpayer identification number or social security number of the applicant;

(8) A detailed description of the goods or food that the applicant intends to sell and, where a stationary vendor license is being applied for, the specific location or locations within the City where the applicant proposes to operate;

(9) Where the applicant intends to sell food, a copy of the state food service license issued by the Michigan Department of Agriculture and Rural Development through the Health Department;

(10) A copy of the applicant's state sales tax license, except for an applicant selling only food exempt from sales tax under state law;

(11) Where the application is for a mobile food establishment or a special transitory food unit, a copy of the Fire Department approval as follows:

a. All inspections regarding mobile food establishments and special transitory food units shall conform to the standards listed in the National Fire Protection Association (NFPA) 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2017 Edition.

b. A special transitory food unit that does not rely upon combustible liquids or electricity to prepare food may obtain licensure without inspection and approval from the Fire Department. In its approval, the Health Department shall verify that such a mobile food establishment or special transitory food unit can safely prepare the food products listed in its menu without the need for propane, natural gas, or electric cooking components in order to waive the Fire Department inspection and approval requirements.

(12) Any additional information that the Buildings, Safety Engineering, and Environmental Department Business License Center deems necessary to ensure compliance with this article.

(b) In addition to the application required by Subsection (a) of this section, each applicant for a vendor's license shall furnish to the Buildings, Safety Engineering, and Environmental Department Business License Center the following:

(1) Where a new applicant, two clear passport-type photographs of the applicant taken within 30 days prior to the date of application of a size designated by the Buildings, Safety Engineering, and Environmental Department Business License Center;

(2) Where the application is for a food pushcart, a copy of the applicant's Michigan driver's license, state food service license, and proof of liability insurance as required by Section 34-1-25 of this Code, which names the City as an additional insured party;

(3) Where the application is for a mobile food establishment or a special transitory food unit, a copy of the applicant's Michigan driver's license, state food service license, proof of liability insurance as required by Section 34-1-25 of this Code, which names the City as an additional insured party, and a description of the vehicle together with the Michigan motor vehicle registration and license number; and

(4) Where the application is for an industrial feeding establishment, a copy of the applicant's Michigan driver's license, state food service license, a copy of the route sheet for the locations within the City where the vendor will operate, proof of liability insurance naming the City as an additional insured party, and a description of the vehicle together with the Michigan motor vehicle registration and license number.

(c) Any information provided in accordance with Subsections (a) and (b) of this section shall be supplemented in writing and sent by certified mail, return receipt requested, to the Buildings, Safety Engineering, and Environmental Department Business License Center within ten business days of a change of circumstances that would render false or incomplete the information that was previously submitted.

(d) Where the application is for a helper's license:

(1) Name of the applicant;

(2) Residential address of the applicant;

(3) Telephone number for the applicant;

(4) A copy of the applicant's Michigan driver's license, state identification number, or government-issued picture identification card;

(5) The specific location or locations, or the name of mobile food establishment or special transitory food unit, within the City where the applicant proposes to aid or assist a licensed vendor; and

(6) Where the applicant intends to aid or assist a licensed food vendor, a copy of the state food service license issued by the Michigan Department of Agriculture and Rural Development through the Health Department.

Sec. 34-1-24. Vendors of food; permits generally.

(a) A license under this division shall not be issued to a person who sells or expects to sell food unless such person has obtained a license from the Health

Department for the vending operation. Before issuing or countersigning such permits, the Health Department may require, under oath, such information regarding the identification of the applicant including, but not limited to, the kind, condition, ownership and place for storage of the vehicle, approved removable stand, or food pushcart that the applicant uses while vending; the nature and scope of the applicant's business; where applicable, the route which the applicant follows and such other information that may be deemed necessary to protect the health and general welfare of the public. Where, in securing such information, facts are obtained that appear to indicate the applicant for a license under this article should not be granted such license, a report on the applicant shall be made to the Director of the Buildings, Safety Engineering, and Environmental Department for the Director's consideration and decision before a license to sell food is issued.

(b) A license under this division shall not be issued to operate a special transitory food unit until such time as the licensee has obtained a State of Michigan food service license for the special transitory food unit. The special transitory food unit shall submit plans and specification to the Health Department Food Safety Unit in accordance with the Michigan Food Law, being MCL 280.1101 *et seq.*, which is incorporated by reference into this Code through Section 19-1-1, prior to inspection, and shall include:

(1) The plan review application and review fees;

(2) The Special Transitory Food Unit Plan Review Worksheet provided by the Health Department;

(3) The menu including all food items, beverages, and desserts;

(4) One complete set of plans showing:

a. The proposed layout, with all equipment, including countertop items, sinks, shelves, prep tables and their intended uses;

b. A mechanical plan: location of hood and fire suppression; and

c. A plumbing plan: sinks for hand-washing, food preparation, and dishwashing, dishmachines, hot and cold water outlets, hot water equipment, water heater, fresh water tank, waste water tank; and floor drains/sinks;

(5) Specifications, including the manufacturer's specifications, for each piece of equipment, which shall include:

a. Type, manufacture, model number, dimensions, and performance capacity;

b. An indication on how the equipment will be installed;

c. An indication whether items are used equipment and what equipment is NSF approved or equivalent; and

d. Sanitation Standard Operating Procedures for food processing, cutting, and grinding equipment;

(6) Standard Operating Procedures:

a. Provide information about the area or location where intended to operate;

b. Indicate where the vehicle/unit, food, and equipment will be stored when not in operation;

c. Indicate where food employees will use the restroom by attaching a letter from the facilities owner providing access to a restroom or restrooms; and

d. Indicate where fresh water will be obtained and where waste water will be disposed of; and

(7) Certified Manager and Allergen Training Documentation.

Sec. 34-1-25. Food vendors; licensing; insurance; operation.

(a) The Director of the Buildings, Safety Engineering, and Environmental Department is authorized to issue a license in accordance with Chapter 28 of this Code, *Licenses*, to any operator of a food pushcart, mobile food establishment, or special transitory food unit who meets the provisions of this article, provided, that such person complies with all the requirements of the Buildings, Safety Engineering, and Environmental Department, the Health Department and this article, and pays the required license fee. All licenses granted under this section shall be renewed annually and shall not be transferred or assigned. The Directors of the Buildings, Safety Engineering, and Environmental Department and the Health Department may refuse to grant renewal of any license or permit to any person where, upon investigation, the facts warrant such refusal.

(b) Licenses granted under this section shall be carried by the individual named on the license or posted in a visible location on the food pushcart, mobile food establishment, or special transitory food unit at all times while vending. The commissary approved by the Health Department shall be used by the food pushcart vendor or the mobile food establishment and, where applicable, the approved location for a food pushcart shall be made a part of the City license.

(c) Before a license permitting the operation of a food pushcart, mobile food establishment, or special transitory food unit shall be issued, the applicant shall file

with the Buildings, Safety Engineering, and Environmental Department a public liability and property damage insurance policy, naming the applicant, including its employees, as the insured and the City as an additional insured party, providing for the payment of any liability imposed by law upon such applicant or the City to the extent of \$100,000.00 for injury to or death of one person and \$300,000.00 for injuries to or death of more than one person, and damages to property of \$1,000.00.

(d) No more than three persons shall sell or operate in connection with any one food pushcart. No more than four persons shall sell or operate on site in connection with any one mobile food establishment or special transitory food unit at any one time. The owner or person in charge of such unit shall have a vendor's license covering such unit and any other persons shall have the same kind of license or a helper's license.

(e) Any person issued a helper's license shall be limited to assisting and helping the vendor at the same food pushcart, mobile food establishment, or special transitory food unit for which the vendor is licensed, unless such person has written authorization to conduct the vending operation in the absence of the licensed vendor.

(f) All non-potentially hazardous food being sold by a vendor shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, protected from contamination, and safe for human consumption. All vehicles and displays used by vendors in the sale of food shall be maintained in a clean, sanitary condition and protected from contamination. Food storage, including vehicles containing loads or parts of loads of food products, shall be kept in sanitary places in compliance with the applicable provisions of the Michigan Food Law, being MCL 289.1101 *et seq.*, which is incorporated by reference into this Code through Section 19-1-1, and Chapter 19, Article III, of this Code, *Sanitation Standards*.

(g) A food pushcart vendor shall remain stationary at the approved location and vending from an unapproved location shall be grounds for revocation or suspension, or denial of renewal of the license in accordance with Chapter 28 of this Code, *Licenses*.

(h) Food pushcart vendors and their helpers shall restrict their operations to the sidewalk. The conducting of business on any street or center median strip of a street is prohibited. Vendors shall operate at all times in such a manner so

as not to interfere with pedestrian or vehicular traffic.

(i) Mobile food establishment and special transitory food unit vendors shall not operate within 20 feet of any building entrance way or emergency exit, driveway, corner, sidewalk café, bus stop, pedestrian crosswalk, or fire hydrant. The first 20-foot limitation shall be determined by measuring 20 feet on either side of a point at a curb opposite the door or entrance on the building.

Sec. 34-1-26. Health Department approval required.

The Buildings, Safety Engineering, and Environmental Department Business License Center shall submit all applications for food pushcart, mobile food establishment and helpers licenses to the Public Health Director. All food pushcarts and mobile food establishments shall submit properly prepared plans and specifications to the Health Department in accordance with the Michigan Food Law, being MCL 289.1101 *et seq.*, which is incorporated by reference into this Code through Section 19-1-1. Plans and specifications must be approved by the Health Department prior to any food pushcart or mobile food establishment commencing operation. The Public Health Director shall inspect or cause to be inspected any equipment that will be used as a commissary, food pushcart and/or mobile food establishment, which shall conform in all respects with the provisions of the Michigan Food Law, being MCL 289.1101 *et seq.* which is incorporated by reference into this Code through Section 19-1-1. In addition, the Public Health Director shall inspect or cause to be inspected any equipment that will be used as a food pushcart or mobile food preparation unit with regard to the provisions of this article, the requirements of state statutes, and administrative rules promulgated by the state relative to construction, equipment, cleanliness, and sanitary facilities. The Public Health Director shall return the application to the Buildings, Safety Engineering, and Environmental Department with the Public Health Director's approval or disapproval of the food pushcart or mobile food establishment license.

Sec. 34-1-27. State license prerequisite to obtaining City license; Health Department to place decals.

(a) All food pushcarts and mobile food establishments must be licensed by the Michigan Department of Agriculture and Rural Development through the Health Department in accordance with the Michigan Food Law, being MCL 289.1101 *et*

seq., which is incorporated by reference into this Code through Section 19-1-1.

(b) Two decals for the state license shall be obtained from the Health Department and shall be affixed and displayed on each side of the food pushcart or mobile food establishment in a conspicuous location. The decals shall be placed on the cart by the Health Department at the time a license is approved for the mobile food establishment.

Section 2. This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective after publication on April 30, 2022 in accordance with Section 4-118(3) of the 2012 Detroit City Charter.

(J.C.C. Page): September 28, 2021
Passed: November 16, 2021
Approved: November 22, 2021
Published: December 8, 2021
Effective: April 30, 2022

JANICE M. WINFREY
City Clerk

