

**ORDINANCE NO. 773
SAGINAW CHARTER TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND CHAPTER 18 OF THE SAGINAW TOWNSHIP
CODE OF ORDINANCES SAGINAW COUNTY, MICHIGAN**

The Charter Township of Saginaw, Saginaw County, Michigan

ORDAINS:

The Saginaw Township Code of Ordinances, Saginaw Township, Saginaw County, Michigan, be and hereby is amended as follows:

Proposed Amendment

Chapter 18 – Businesses

Add: Article VI: Mobile Food Vendors

Section 18-501. Purpose.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Saginaw Charter Township, while providing a framework under which such businesses operate, this ordinance is established.

Section 18-502. Definitions.

Mobile Food Vehicle – A motorized vehicle which may, upon issuance of a mobile food vendor permit by the Township Clerk and conformance with the regulations established by the ordinance per the limits imposed by the approved permit, park on a specified parcel within the township and sell prepared food items.

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.

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.

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, care or other means of conveyance.

Section 18-503. 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 18-504. Permit Required.

No vendor shall engage in Mobile Food Vending without a permit issued by Saginaw Charter Township for such vending. The Township Clerk shall prescribe the form of such permits and application for such permit. Permit applications shall be submitted at least ten (10) business days in advance of the Mobile Food Vendor's planned date of operation. 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 or food preparation station at one parcel only and shall not be transferred between vehicles, stations or parcels.

Section 18-505. Exceptions to Permit Requirement.

The following operations are exempt from the license requirement and the corresponding fee, provided they comply with all applicable requirements of Section 18-511:

1. Operating a mobile food vending unit for a period of two days or less on township-owned properties, including township parks, subject to the approval of the Township Manager.
2. Operating a mobile food vending unit for a period of two days or less on church and school properties conducted in conjunction with a special event at the church or school. The exemption shall only apply to three special events or less per year.
3. Feeding operations in response to a disaster as determined by the Community Development Director.
4. Private closed-group catered events not open to the general public, not offering food items for individual sale and not advertising food service to the general public.
5. Churches and non-profit organizations serving home-prepared food in conjunction with a fundraiser.

Section 18-506. Duration; Non-transferability.

A mobile food vending permit may be renewed by an operator in good standing. Any license issued under this chapter is non-transferable between operators, properties, and mobile food vending units.

Section 18-507. Permit Application.

1. The permit application shall include the following:
 - a. The name, signature, phone number, email contact, and business address of the applicant.
 - b. The address and/or parcel identification number of the property where the mobile food vending unit will be located.
 - c. The name, signature, phone number, email contact, and address of the party responsible for operating the mobile food vending unit, if different from the applicant.
 - d. Written permission from the owner of the property on which the vending will occur.
 - e. Dates of operation on the indicated property.
 - f. A site drawing, drawn to legible scale, showing the location of the mobile food vending unit, existing buildings, streets, driveways, and sidewalks.

- g. Zoning of the subject property.
 - h. Verification that the applicant has received and provided written consent by the operator or site owner of any restaurant within a 300 foot buffer area of the mobile food vendor proposed operational location.
 - i. A description of the preparation methods and food product offered for sale including the intended menu.
 - j. Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions.
 - k. Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
 - l. Copies of all necessary licenses or permits issued by the Saginaw County Health Department.
 - m. Insurance Coverage: Proof of General Comprehensive Liability policy with limits of no less than \$1 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 insured.
 - n. Any license, permit, or authorization required by any other ordinance, statute, or administrative rule.
2. If a mobile food vendor plans to operate on multiple properties within the time period of the permit, the information required in the above items b, d, e, f, and g must be provided for each additional property.

Section 18-508. Fees.

An application for a permit under Article VI shall be accompanied by a fee in the amount established in the schedule of fees adopted by the Township Board. There shall be no proration of fees. Fees are none refundable once a permit has been issued by the Township.

Section 18-509. Location.

Mobile food vending shall be permitted in the B-1, B-2, B-3, B-3A, B-4, CB-1, and M-1 zoning districts located on a State of Michigan highway or a Saginaw County principal arterial road whose underlying zoning permits restaurants or commercial food establishments by right, under special conditions, or by special use permit. Vendors shall not be located within 300 feet of another permanent restaurant-type food establishment unless written consent is provided as outlined in Section 18-507.1(h). Exceptions: Mobile food vending may be permitted in other zoning districts if an approved use allows mobile food vendors as an accessory use.

Section 18-510. Setbacks.

The mobile food vending operation shall be set back a minimum of 20 feet from any front or rear property line, street right-of-way line (or proposed street right-of-way line, whichever is greater), structure, or other mobile food vending unit. In B, M, or CB zoning districts, vendors shall be set back a minimum of 10 feet from side property lines, unless abutting properties with residential zoning or uses, in which case they must be set back 20 feet from side property lines.

Section 18-511: Regulations

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

- 1. No parcel shall host a mobile food vendor for more than 30 total days in any calendar year as measured from January 1 through December 31 unless otherwise approved by

the Planning Commission. No more than one vendor may operate on any parcel at one time under a Mobile Food Vendor permit unless otherwise approved by the Director of Community Development.

2. Mobile food vendors may operate for no more than 60 days per calendar year as measured from January 1 through December 31 within Saginaw Township.
3. A mobile food vendor may only operate between the hours of 7:00am and 9:00pm, unless the operation is a component of a Township approved special or civic event, in which case the hours of that event approval shall apply to the mobile food vendor's operations.
4. Vendors shall only operate on parcels with an active business located upon them with an approved Saginaw Charter Township business license on record with the Township Clerk.
5. 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, sidewalk or parking lot is allowed.
6. No food shall be prepared, sold, or displayed outside of the vehicle or general setup of the mobile food vendor.
7. Outdoor seating, including but not limited to tables, chairs, booths, stools, benches, or stand-up counters, shall be subject to the approval of the Director of Community Development or their designee.
8. No alcoholic beverages shall be prepared, sold, or displayed by a mobile food vendor.
9. No banners, streamers, flags, flashing lights, blinking lights, or strobe lights shall be permitted on the mobile food vending unit or on the portion of the site where the mobile food vending unit is operating. All exterior lighting associated with the operation, whether on the unit itself or placed on the site where the operation is occurring, shall be shielded to direct the illumination downward.
10. The vendor shall not make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vending units shall be in compliance with the Township Noise Ordinance, including generators. No loud music, high-decibel sounds, horns, or amplified announcements are allowed.
11. Mobile food vendors shall not hinder the lawful parking or operation of other vehicles and shall comply with parking standards of the Township. The vending unit shall not be located so as to block a public sidewalk or pathway, designated fire lane, or otherwise impede pedestrian or vehicular movement. Vendors must be parked on an approved surface.

12. 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.
13. The vendor shall not utilize any electricity or power without prior written authorization of the power customer; power cables or similar devices shall not be extended across any street, sidewalk, or pathway.
14. Mobile food vending units shall be completely self-contained, and are prohibited from using water from public hydrants and disposing of liquid wastes, including but not limited to grease, into storm drains or sanitary sewers.
15. One non-illuminated, freestanding, portable sign of no more than three (3) feet in height and eight (8) square feet or less in surface display area per side may be used by a mobile food vending unit. This sign shall be located outside of proposed rights-of-way and no further than 30 feet from the location of the mobile food vendor's cooking and preparation area. Under no circumstances shall such sign be placed upon a sidewalk or pathway or impede pedestrian and vehicle safety.
16. The mobile food vendor vehicle and/or equipment shall be inspected by the Saginaw Township Fire Department to verify compliance with the adopted International Fire Code with amendments.

Section 18-512: Administration, Appeals and Enforcement

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.

1. **Revocation.** The Director of Community Development or their designee 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.
2. **Complaints; Appeals.** If a permit is denied or revoked by the Director of Community Development or their designee, the applicant or holder of a permit may appeal to and have a hearing before the Township Manager. The Township Manager shall make a written determination. If the Township Manager denial or revocation is supported the applicant may appeal the Township Manager's decision to the Board of Trustees.
3. **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 infraction of the amount outlined in the Township's adopted fee schedule per day for the first three days. Each day of violation shall constitute a separate and distinct offense.
4. **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.

The foregoing shall be published in the Saginaw News, a newspaper of general circulation in the Saginaw Charter Township, on the 27th day of May, 2021. This Ordinance shall take effect upon publication.

The adopted Ordinance is available for public inspection at the Saginaw Charter Township Clerk's Office, 4980 Shattuck Road, Saginaw, Michigan 48603, during regular business hours. For further information, please contact the Township Clerk's Office, Saginaw Charter Township Hall, (989) 791-9830.

The foregoing Ordinance was adopted by the Township Board of Saginaw Charter Township at a regular meeting of said Board held on May 24, 2021, by the following vote:

ROLL CALL VOTE:

AYES: Supervisor Braun, Treasurer Gerhardt, Trustees Gorney, Howell and Ryan

NAYS: _____

ABSENT: Clerk Wazny and Trustee Kelly

ORDINANCE DECLARED ADOPTED.

Date: May 24, 2021

TIMOTHY J. BRAUN, Supervisor

SHIRLEY M. WAZNY, Clerk

CERTIFICATION

I, the undersigned, duly acting Township Clerk of Saginaw Charter Township, Saginaw County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the Saginaw News, a newspaper of general circulation in the Township on May 27, 2021, and that such ordinance was entered in the Ordinance Book of the Township on May 27, 2021.

Dated: May 24, 2021

SHIRLEY WAZNY, Clerk