



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: May 25, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
M. Aileen Dickson, City Clerk

Subject: Chapter 49 – Mobile Food Vending Units Ordinance and Request to Amend Chapter 60 – Fees and Bonds Required (Introduced by: Aileen Dickson, City Clerk)

History

Since the early 2000's, food trucks have grown in popularity all over the country. In Troy, many restaurants now own food trucks to supplement their brick-and-mortar locations. Troy residents, and employees of Troy businesses, regularly hire food trucks for their events throughout the City. The Clerk's Office receives hundreds of calls each year with questions about food trucks, both from those looking to hire food trucks, and owners of food trucks asking about regulations.

Up to this point, the City Clerk's Office has regulated food trucks under Chapter 74 – Solicitations. This chapter does not specifically mention food trucks, however, the regulations in this chapter are sufficient to assure the health, safety, and welfare of people living and working in Troy.

As interest in food trucks continues to increase, it is apparent that the City of Troy needs an ordinance that specifically addresses and regulates food trucks (known as Mobile Food Vending Units, for clarity).

Chapter 49 – Mobile Food Vending Units provides for licensing of food trucks (and similar mobile food businesses). Also, Chapter 49 contains specific regulations regarding where food trucks are allowed to operate so as to not interfere with brick-and-mortar restaurants. The chapter regulates hours of operation, requires annual inspections by the Fire Department, and enables food trucks to operate in residential areas as long as they aren't obstructing traffic.

Representatives from the City Clerk's Office, City Attorney's Office, Police Department, Planning Department, Building Department, Purchasing Department, and Fire Department all contributed to development of this ordinance.

Chapter 60 – Fees and Bonds Required needs to be amended to include the fees for the Mobile Food Vending Unit license, which are: \$24 application fee, \$100 annual license fee.

Financial

Application and license fees will be included in Chapter 60 – Fees and Bonds Required.



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Recommendation

City Administration recommends that City Council approve Chapter 49 – Mobile Food Vending Units, and approve the amendment to Chapter 60 – Fees and Bonds Required.

Legal Review

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.

Chapter 49 – Mobile Food Vending Units

49.1 Definitions

Mobile Food Vending Unit: Any motorized or non-motorized vehicle, trailer, kiosk, or other device designed to be portable and not permanently attached to the ground from which food items are to be vended, sold, served, displayed, or offered for sale from private property or public property, not including public streets or highways.

49.2. Licenses Required.

- A. No person shall engage, or be engaged, in the operation of a Mobile Food Vending Unit without the proper licensing.
- B. Licensing must be renewed annually and must be prominently displayed on the Mobile Food Vending Unit.
- C. Licenses are non-transferable.
- D. Any change in information requested in the application shall be provided to the City Clerk within ten days of any such change.

49.3. Application Submittal and License Year

The license year shall begin January 1st of each year and shall terminate at midnight on December 31st of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License fees are nonrefundable. Once complete applications are submitted, the City Clerk shall issue either a denial letter or an approved license within 21 days. The City Clerk shall approve or deny an application upon receiving feedback from City departments including, but not limited to, the Police Department, Fire Department, Planning Department, Purchasing Department, and Treasurer's Office.

49.4. Application Requirements.

- A. The licensee for a Mobile Food Vending Unit shall, before issuance of the license, obtain and maintain in full force and effect, at its own expense, commercial general liability, insurance that names the City of Troy as an additional insured for primary limits of liability for the purpose of protecting the City from all claims and risks of loss as a result of the licensee's activity, occupation, operation, maintenance, or use of the public street, highway, or any public property in conjunction with the licensed activity. A Certificate of Insurance on an ACORD Form showing present coverage of commercial liability, automobile liability and workers compensation shall be submitted at time of application. The automobile and general liability insurance coverage shall be in an amount not less than \$1,000,000. Worker's Compensation

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- Insurance, including Employers' Liability Coverage shall be in accordance with all applicable statutes of the State of Michigan. Sole proprietors must execute a certificate of exemption from Worker's Compensation requirements or provide proof of Worker's Compensation Insurance. Failure to maintain the required insurance coverage is grounds for vending license revocation. The licensee shall agree to defend, indemnify, and hold harmless the City of Troy, its officials, officers, employees, and agents against any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the licensee, its employees, its subcontractors and anyone for whose acts or omissions they may be liable, arising out of the licensee's use or occupancy of the public street, highway, or any public property.
- B. Applicants must provide a copy of the Foodservice Establishment License issued by the State of Michigan, if required, and pay the fee as set forth in *Chapter 60 – Fees and Bonds Required*.
 - C. For use of private property, the applicant must obtain written permission from the property owner, and have it available upon request by the City of Troy. For public property, permission is assumed upon approval of the application.
 - D. An applicant for a Mobile Food Vending Unit License must file a completed application form provided by the City Clerk. The completed application form shall include the following information:
 - a) The applicant's name, current business address, email address, and telephone number.
 - b) A copy of the current government-issued identification document with photo of the applicant and any designated person proposed to conduct mobile food vending. The names of these individuals will be printed on the license card, and any changes need to be provided to the Clerk's Office within 10-days of the change so a new license card may be issued.
 - c) The name under which the Mobile Food Vending Unit will be doing business.
 - d) A brief description of the food items to be sold.
 - e) A copy of the county health permit, if required.
 - f) A description of all vehicles to be used in the Mobile Food Vending Unit operation, including license plate number(s), and a complete copy of the current vehicle registration(s) and proof of insurance for each proposed Mobile Food Vending Unit.
 - g) Whether the applicant has ever had a license for mobile vending of any kind denied, revoked or suspended, and the date and jurisdiction of the denial, suspension or revocation.
 - h) Whether the applicant has ever been arrested, and if they were convicted, of a violation of any federal, state, or local law involving fraud, theft, violence, indecency, or controlled substances.

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- i) Indicate if food is to be prepared in the Mobile Food Vending Unit using cooking appliances, and, if so, provide a description of the cooking appliances.

49.5. Restrictions and Requirements

- A. Mobile Food Vending Units cannot operate while stopped or parked on a public roadway or highway. They can operate on private property, with the permission of the property owner, or on public property not including streets and highways.
Exception: Mobile Food Vending Units may operate on residential streets while parked in a legal parking space, and in compliance with the other requirements of the City Code of Ordinances.
- B. Mobile Food Vending Units cannot operate within 300 feet (as the crow flies) of the property line of any brick-and-mortar restaurant.
- C. Mobile Food Vending Units cannot impede access to building entrances or driveways.
- D. Mobile Food Vending Units must remain more than 25 feet away from handicapped parking spaces and access ramps and cannot be placed on any property without the written permission of the property owner.
- E. Mobile Food Vending Units shall be in compliance with all health and welfare requirements of the state or county health departments.
- F. Sufficient trash receptacles must be provided, maintained, and emptied by the Mobile Food Vending Unit operator. Trash within 25 feet of the Mobile Food Vending Unit must be collected by the operator.
- G. Mobile Food Vending Units shall not operate a sound device that produces a loud or raucous noise, use or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.
- H. Mobile Food Vending Units shall not operate in a way that increases traffic congestion or delay, impairs/blocks vehicular or pedestrian travel, poses a hazard to life or property, interferes with an abutting property owner, or obstructs access to emergency vehicles.
- I. Mobile Food Vending Unit operators must have authorization from the property owner(s) to utilize utilities. Licensees shall not connect the Mobile Food Vending Unit to a source of city electricity, water, or sewer, without first obtaining the express permission in writing from the City of Troy for the connection.

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- J. Mobile Food Vending Unit operators shall not make use of any outdoor cooking facilities, including grills, and shall at no time utilize outdoor storage, warming, or refrigeration devices.
- K. The Mobile Food Vending Unit must be removed from the public property or private property outside of the approved hours of operation.
- L. Mobile Food Vending Units shall not operate within 300 feet of a City fair, festival, farmers market, concert, or any other City event, unless expressly authorized by the City to operate as part of the event. Mobile Food Vending Units shall not operate within 300 feet of any other event being conducted unless the vendor has express authorization from the event sponsor.
- M. Within residential areas, a mobile food vendor may only operate between the hours of 9:00 a.m. and 10:00 p.m. Within non-residential areas, a mobile food vendor may only operate between the hours of 6:00 a.m. and 2:00 a.m.
- N. Public property shall not be altered, and fixtures of any kind shall not be installed on public property by the licensee unless authorized by the City of Troy, including but not limited to signage, or securing or affixing the Mobile Food Vending Unit to any public structure.
- O. A Mobile Food Vending Unit License issued pursuant to this Chapter's provisions shall be displayed in a prominent location visible to customers at all times.
- P. Mobile Food Vending Units shall be required to have an annual inspection completed and passed by the Troy Fire Department in order to receive a license. Inspections will be scheduled by the Fire Department upon the receipt of the application from the City Clerk.

49.6. Suspension or Revocation of License

The City Clerk shall immediately take action to suspend the license of any Mobile Food Vending Unit when there is clear and convincing proof that the permittee or licensee has done any of the following:

- A. Acted in violation of any section of this ordinance or otherwise exceeded the scope of the license or permit granted
- B. Made a false statement on the application (includes affirmative statements and omissions)

- C. Conducted activities in a manner that is contrary to the health, morals, safety or welfare of the public
- D. Revocation or suspension of any required state or county authorization
- E. Arrest for any other federal, state or local controlled substance crime, theft or dishonesty crimes, food adulteration crimes, violent crimes, and crimes against children and/or solicitation

Immediately upon such suspension, the City Clerk shall provide written notice to the license holder by email and First Class US mail to the mailing address as indicated on the application, and the notice shall indicate the reason for the suspension.

If the permittee or licensee wishes to challenge the decision made by the City Clerk, then the licensee must file a written appeal to the City Manager within 14 days of being suspended. If the licensee does not appeal the City Clerk's decision within 14 days, the City Clerk will automatically revoke the permit or license.

Upon receipt of a written appeal, the City Manager will review any and all information surrounding the suspension, and make a written determination within 10 days. After reviewing all pertinent information, the City Manager may overrule the suspension, limit the timeframe for the suspension, revoke the license, or make any other determination under the circumstances. The City Manager's determination is the City's final decision. Failure of the permittee or licensee to timely meet the filing deadlines as set out in this Section waives any right to contest the suspension and ultimate revocation of the license.

49.7. Exemptions

The following persons are exempt from the licensing requirements of this division:

- A. A person authorized and approved by the City to sell/distribute food from a fixed or mobile vending unit during, and as part of, an official City of Troy fair, festival, or special event.
- B. A person authorized and approved by the City to sell/distribute food from a fixed or mobile vending unit during, and as part of, an official City of Troy event where the vendor is otherwise licensed to sell at that specific event.

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- C. A person who is permitted or licensed under another section of the City Code to sell/distribute food from a fixed or mobile vending unit.

49.8. Violations and Penalties

- A. A violation of any section of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy.
- B. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500.00, costs, damages and injunctive orders as authorized by Chapter 100.

Chapter 60 – Fees and Bonds Required

ITEM/SERVICE:	FEE:
(Adopted 10-23-2017; Effective 11-02-2017)	
Massage Therapist Registration	
Registration Fee	\$10.00
Annual Renewal Fee	\$10.00*
(09-08-08) *(11-24-2008; Enacted: 01-01-2009)	
Medical Marihuana Grow Operation	
Application and License Fee	\$1,500.00
Annual License Renewal Fee	\$1,500.00
(04-23-2018; Enacted: 05-03-2018)	
<u>Mobile Food Vending Unit (Chapter 49)</u>	
<u>Annual License Fee</u>	<u>\$100.00</u>
Motor Vehicle Races (Chapter 66) – Repealed 2/6/2017, Effective 2/16/2017	
Motorcycle & Motor Driven Rental Agency (Chapter 59)	
Each Location	
Annual Fee	\$100.00
Plus, each motorcycle/motor driven cycle Annual Fee	\$100.00
NOTARY SERVICE	
Required as part of official City business	No Charge
Fee per Notary Act	\$10.00
<i>Troy Resident or Troy Property Owner.</i>	
First Notary Act	No Charge
Subsequent Notary Act/s (per Notary Act)	\$10.00
(Rev. 03-23-09; Effective: 04-01-2009)	
Peddlers & Solicitors (Chapter 74)	
Per week	\$20.00
Per month	\$40.00
Annual Fee	\$100.00
Pet Shop (Chapter 75 – Repealed 03-28-2011)	
POLICE RECORDS SECTION SERVICE FEES	
ALARM REGISTRATION	
Alarm Registration Fee (Chapter 103)	\$25.00
Renewal of Alarm Registration*	\$25.00
Alarm Shut-off Fee	Actual Costs**
Non-Registered Alarms – Alarm Activation:	

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ITEM/SERVICE:	FEE:
PRECIOUS METALS, GEMS AND ITEMS (Chapter 69)	
Dealer Fee: Per Establishment	\$50.00
Fees collected by City Clerk as part of application and permitting process	
PRELIMINARY BREATH TEST ADMINISTRATION FEES	
City of Troy residents	\$5.00
Non-residents	\$10.00
REPORTS	
Labor charge-Except CAD Short Report (first 15 minutes)	\$7.00
Charge for each additional 15 minute interval	\$7.00
Each page, after the first 10 pages	0.32¢
CAD Short Report	\$3.50
These fees also apply to true copies of reports as required by subpoena	
TAXICAB/LIMOUSINE DRIVER, AND PEDDLER LICENSE, <u>AND MOBILE FOOD VENDING UNIT CLEARANCES</u>	
Taxicab/Limousine driver license processing fee (Chapter 65)	\$24.00 ³
<u>Mobile Food Vending Unit processing fee (Chapter 49)</u>	<u>\$24.00³</u>
Peddler license processing fee (Chapter 74)	\$24.00 ³
³ The fee includes \$10.00 for the clearance, plus a \$14.00 fingerprint processing fee	
Fees collected by City Clerk as part of application and permitting process	
(04-20-2009)	
Sidewalk and Approach Permits (Chapter 34)	
Minimum Permit Fee	\$35.00
Each additional 50 square feet above 500 square feet	\$1.00
Re-Inspection Fee	\$20.00
(Rev. 07-07-2008)	
Sign Permits (Chapter 85)	
Painted Wall Sign – under 100 square feet	\$ 75.00
Painted Wall Sign – 101 – 200 square feet	\$100.00
Painted Wall Sign – 201 – 300 square feet	\$100.00
Attached Wall Sign – under 100 square feet	\$100.00
Attached Wall Sign – 101 – 200 square feet	\$125.00
Attached Wall Sign – 201 – 300 square feet	\$150.00
Ground Sign – under 100 square feet	\$125.00
Ground Sign – 101 – 200 square feet	\$150.00
Ground Sign – 201 – 300 square feet	\$175.00
Road Closure Construction Sign	\$ 30.00
Special Event Sign	\$ 30.00
(Rev. 06-07-2010)	