



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: February 23, 2022
TO: City Council
FROM: Tanya Buckelew, Planning & Building Director
SUBJECT: Proposed Mobile Food Vending Ordinance

RECOMMENDATION:

City Staff, the OMS/DDA, the Parks & Recreation Commission and the Planning Commission support the Mobile Food Vending Ordinance as drafted and recommend the City Council proceed forward with the public hearing and adoption.

BACKGROUND:

Currently, the City of Owosso does not have an ordinance that regulates Mobile Food Vending (aka Food Trucks). In recent months, an interest has been expressed to pursue adoption of such an ordinance. This ordinance would allow these establishments in the downtown business area, including city parking lots, and allow food trucks in city parks.

Areas of mention:

1. This is being presented as a stand-alone ordinance and not a part of the City's Zoning Ordinance as this predominantly applies to public property.
2. Department heads and City Attorney reviews were completed. All are in support of the ordinance.
3. Planning Commission is in support of the ordinance.
4. OMS/DDA supports this ordinance (see enclosed memorandum and resolution).
5. Parks and Recreation Commission supports this ordinance (see enclosed minutes from their January 26, 2022 meeting).
6. Permits are required (see enclosed application).
7. Permits will be issued for 6 month intervals (May through October and November through April). As we will most likely see the majority of food trucks here during the summer months, we added the winter months for those that would be present year round. Example: private property lots in the downtown area where a food truck court could exist year round. (On a side note, year round on private property lots would require further approvals such as site plan reviews and building/trades reviews and permits).
8. See enclosed Checklist and Map of the downtown parking lots where food trucks would be allowed and how many in each lot.
9. Festivals and events take precedence and the owner of the vending unit would need to obtain approval from the festival/event coordinator.

FISCAL IMPACTS:

There will be a small fiscal impact depending on how many units will be in town and the permit fees collected.

RESOLUTION NO.

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR
THE PROPOSED ADDITION OF CHAPTER 16.8, MOBILE FOOD VENDING,
TO THE CODE OF ORDINANCES TO ESTABLISH REGULATIONS
GOVERNING MOBILE FOOD VENDORS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan currently does not regulate the operation of mobile food vendors (food trucks), nor does it allow the operation of said vendors on public property; and

WHEREAS, interest in mobile food vendors has grown in the past few years, providing a vibrant food scene for residents and attracting entrepreneurs to the community; and

WHEREAS, in response to this interest the City has developed an ordinance to govern the conduct of mobile food vendors, allow their operation on public property, and protect the City's existing brick and mortar restaurants; and

WHEREAS, the proposed ordinance has been vetted by, and received the support of, the DDA/OMS Board, the Parks & Recreation Commission, the Planning Commission, and City staff; and

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments or additions.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS THAT:

SECTION 1. ADDITION. That Chapter 16.8, Mobile Food Vending, shall be added to the Code of Ordinances of the City of Owosso as follows:

CHAPTER 16.8, MOBILE FOOD VENDING

Article I. - In General

Sec. 16.8-1. - Purpose.

This chapter is established to enable mobile food vending on public and private property. This chapter is enacted on the basis that mobile food vending can add to the vibrancy and desirability of Owosso. This chapter also provides a framework under which vendors are required to operate mobile food vending units.

Sec. 16.8-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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. Vending may include the ancillary sales of non-food paraphernalia related to the Mobile Food Vending Unit.

Mobile Food Vending Unit shall mean any readily movable motorized wheeled vehicle or non-motorized towed vehicle designed and equipped to prepare, serve, and sell food and/or beverages.

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 Mobile Food Vending; if more than one individual is operating a single Mobile Food Vending Unit, then Vendor shall mean all individuals operating such a single Mobile Food Vending Unit.

Sec. 16.8-3. - Permit required.

- a) No vendor shall engage in Mobile Food Vending without a permit from the building department authorizing such vending. The building department shall prescribe the form of such permits and the application for such permit. All permits shall be predominantly displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance.
- b) Permits may be issued by the building department for Six (6) month intervals being May through October and November through April. Any permit issued under this Chapter is non-transferable.
- c) Every vendor desiring to engage in Mobile Food Vending shall make a written application to the building department for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the building department and shall provide all documentation, such as proof of insurance, as required by the city.
- d) An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the building department. No fee shall be charged to any honorably discharged veteran of the United State Military who is a resident of the State of Michigan and submits official documentation evidencing such to the building department. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter.
- e) A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.

Article II. - Requirements

Sec. 16.8-4. - Private property.

Mobile Food Vending may be permitted on private property only in the following districts as indicated on the City of Owosso Zoning Map: B-1 Local Business, B-2 Planned Shopping Center, B-3 Central Business, B-4 General Business, OS-1 Office Service, and P-1 Vehicular Parking. Written permission from the property owner must be provided at the time of application.

Sec. 16.8-5. - Public property.

- a) Mobile Food Vending may be permitted within Owosso City Parks during the hours of 5:00 a.m. and 11:00 p.m.
- b) Mobile Food Vending may be permitted within parking lots or spaces owned or controlled by the City of Owosso.
 - 1) Any Mobile Food Vending Unit with a valid permit may park in a city owned or controlled parking lot or space for the duration authorized by the permit.
 - 2) Mobile Food Vending Units shall not be restricted to the hours where parking would otherwise be allowed in the particular parking lot or space.
 - 3) Mobile Food Vending Units shall be prohibited from city owned or controlled parking areas where parking is prohibited altogether.

- c) Any Mobile Food Vending Unit located on a public street, including on-street parking areas, shall be required to obtain a Traffic Control Order and City Council authorization

Sec. 16.8-6. - General requirements for private and public property.

- a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributed to the vendor on a daily basis.
- b) No use of any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields or direct the illumination downward.
- c) No use of loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- d) Comply with the city’s Noise Ordinance, Sign Ordinance and all other City ordinances.
- e) Comply with all applicable federal, state and county regulations
- f) May have one portable sign that shall not exceed an overall height of four (4) feet and a maximum square footage of eight (8) feet per side, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- g) A mobile food vendor may only operate between the hours of 7 a.m. and 2 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- h) Any Mobile Food Vending Unit not in operation between the hours of 2 a.m. and 7 a.m. shall be removed from public property.
- i) No Mobile Food Vending Unit may be left unattended for more than 2 hours on public property.
- j) Vendors shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

Article III. - Enforcement and Penalties

Sec. 16.8-7. - Permit revocation and appeals.

- a) The building department shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is averse to the protection of the public health, safety and welfare.
- b) Immediately upon such revocation, the building department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.
- c) If a permit is revoked by the building department, the holder of a permit may appeal to and have a hearing before the City Council.
- d) The City Council may confirm such suspension or revoke or reinstate any such license. The action taken by the City Council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

Sec. 16.8-9. - Civil infractions.

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day.

Sec. 16.8-10. - Impoundment from public property.

Any equipment associated with Mobile Food Vending on public property that is found to not be in compliance with this Chapter may be impounded at the owner of the equipment's expense.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, March 21, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed addition to the Code of Ordinances.

SECTION 3. AVAILABILITY. This ordinance may be viewed on the City's website www.ci.owosso.mi.us or purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 4. EFFECTIVE DATE: This ordinance shall become effective twenty days after passage.



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: February 2, 2021
TO: City Council
FROM: Beth Kuiper, DDA Executive Director
SUBJECT: City of Owosso – Mobile Food Service Ordinance

RECOMMENDATION:

The OMS/DDA supports the Mobile Food Service Ordinance as drafted by the City of Owosso, Shiawassee County, Michigan, established under Public Act 92 of 2000.

BACKGROUND:

On January 5, 2022, the OMS/DDA Board was presented with a Mobile Food Service Ordinance to support local, established businesses while creating rules and regulations for incoming food service vehicles. OMS/DDA Board members recommended that a special meeting be held to further discuss implications this may bring to the local, downtown economy.

On January 7, 2022, a special meeting was held at Owosso Books and Beans. The public meeting did not meet quorum, however a representative from City Hall and a local restaurant owner provided insight for revisions for the draft.

On February 9, 2022, the OMS/DDA Board unanimously approved support for the Mobile Food Service Ordinance

FISCAL IMPACTS:

None.

Document originated by: Elizabeth Kuiper, OMS/DDA Executive Director.

Attachments: (1) Resolution

RESOLUTION NO.

**AUTHORIZE THE CITY OF OWOSSO
MOBILE FOOD SERVICE ORDINANCE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, drafted a Mobile Food Service Ordinance established under Public Act 92 of 2000; and

WHEREAS, the Owosso Main Street/Downtown Development Authority supports the Mobile Food Service Ordinance as a means to support downtown businesses while creating a proactive approach to mobile food vendors; and

NOW THEREFORE BE IT RESOLVED by the Owosso Main Street/Downtown Development Authority and the City Council of the City of Owosso, Shiawassee County, Michigan that:

FIRST: The Owosso Main Street/Downtown Development Authority and the City of Owosso has heretofore determined that it is in the public interest to support the Mobile Food Service Ordinance.

**PARKS AND RECREATION COMMISSION
REGULAR MEETING**

WEDNESDAY, January 26, 2022
7:00 p.m.
City Hall, Council Chambers

CALL TO ORDER: Chairman Workman called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE: Was recited

ROLL CALL: Was taken by Amy Fuller

MEMBERS PRESENT: Chairman Andrew Workman, Vice-Chair Jeff Selbig, Commissioners Carol Anne

MEMBERS ABSENT: Smith, Gerald Bila, Kevin Maginity, and Ellen Rodman

OTHERS PRESENT: None

Mayor Eveleth, Amy Fuller

APPROVAL OF AGENDA: **COMMISSIONER SMITH MADE A MOTION TO APPROVE THE AGENDA FOR JANUARY 26, 2022. MOTION SUPPORTED BY COMMISSIONER RODMAN. AYES ALL, MOTION CARRIED.**

APPROVAL OF MINUTES: **COMMISSIONER RODMAN MADE A MOTION TO APPROVE THE MINUTES FOR DECEMBER 8, 2021 WITH NO CHANGES. MOTION SUPPORTED BY COMMISSIONER BILA. AYES ALL, MOTION CARRIED.**

PUBLIC COMMENTS: None.

COMMUNICATIONS: Ms. Fuller shared information from the City Clerk regarding the Open Meetings Act and provided an update on disc golf signage.

NEW BUSINESS:

Grove Holman Building and Grant: Bid results were discussed, the low bid for the building renovation was \$434,000, while the total project budget was \$200,000. Ms. Fuller explained she spoke with the DNR and the city would not be penalized on future grant applications if they do not proceed with this project. **COMMISSIONER BILA MADE A MOTION TO TABLE THE PROJECT AND WITHDRAW FROM THE DNR PASSPORT GRANT. MOTION SUPPORTED BY COMMISSIONER RODMAN. AYES, ALL, MOTION CARRIED.**

Kiwanis Donation/Match: The Kiwanis Club has offered to make a \$3,000 donation for the purchase of a slide to be installed at Collamer Park. The Commission discussed using millage funds as match to purchase a \$6,000 slide. The Commission also discussed potentially purchasing a climbing boulder. **COMMISSIONER SMITH MADE A MOTION TO USE \$3,000 IN MILLAGE FUNDS TO MATCH THE KIWANIS DONATION AND PURCHASE A SLIDE. MOTION SUPPORTED BY COMMISSIONER RODMAN. AYES, SMITH, WORKMAN, AND RODMAN. NAYS: MAGINITY. ABSTAINING: BILA AND SELBIG. MOTION FAILED.**

Food Trucks: A draft ordinance for food trucks was presented. **COMMISSIONER MAGINITY MADE A MOTION TO SUPPORT MOVING FORWARD WITH THE ORDINANCE AND TO RECOMMEND REMOVING THE STATEMENT IN SECTION 5(A) REQUIRING THE COMMISSION APPROVE PERMITS AND ENABLE THE BUILDING DEPARTMENT TO DO SO. MOTION SUPPORTED BY COMMISSIONER SELBIG. AYES, ALL. MOTION CARRIED.**

Annual Report: Ms. Fuller presented a draft annual report to the commission. Commissioner Selbig suggested adding a climbing boulder to the Collamer Park project listing. The commission discussed posting the report on the city's website, sharing via press release, and social media. **COMMISSIONER RODMAN MADE A MOTION TO APPROVE THE ANNUAL REPORT WITH EDITS. MOTION SUPPORTED BY COMMISSIONER SMITH. AYES, ALL. MOTION CARRIED.**

Next Meeting: February 23, 2022 at 7:00 PM in Council Chambers at City Hall

PUBLIC/COMMISSIONERS COMMENTS:

Commissioner Selbig requested staff look into the crack in the concrete at the splash pad

Mayor Eveleth thanked the commission for all of their work.

Commissioner Maginity requested the commission discuss possible locations for the ice rink at the next meeting

Commissioner Selbig requested the climbing boulder be added to the next agenda.

ADJOURNMENT:
COMMISSIONER MAGINITY MADE A MOTION TO ADJOURN AT 8:19 P.M. MOTION SUPPORTED BY COMMISSIONER SELBIG. AYES ALL, MOTION CARRIED.

Respectfully submitted by:
Amy Fuller, Assistant to the City Manager



City of Owosso
301 W Main Street
Owosso, MI 48867

989-725-0535

**APPLICATION &
CHECKLIST FOR
MOBILE FOOD
VENDING LICENSES**

If you are applying for a festival/event being held in the City of Owosso, you MUST contact that festival/event coordinator.

| | | |
|---|------------------------------|-----------------------------|
| 1. Business Name: | | |
| Name of Food Truck: | | |
| Address: | | |
| Name of Individual Representing Business: | | |
| Cell Phone: | | Email: |
| 2. Is your business a licensed food service establishment based in the City of Owosso? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Will you be vending on city property? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <i>If yes, please attach a certificate of general liability insurance for \$1 million per occurrence, with the City of Owosso named as certificate holder, along with an endorsement to the policy naming the City of Owosso as additional insured.</i> | | |
| 4. Make/Model/Year of vending unit: | VIN: | |
| 5. Do you have a fryer? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Do you have a grill? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Do you have a griddle? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Do you have a broiler? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 9. Do you have a grease interceptor? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 10. How will you be disposing of grey water/untreated waste/grease laden waste? | | |
| | | |
| 11. Will you be using cooking fuel? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <i>If yes, please complete the following:</i> | | |
| What type of cooking fuel are you using? | | |
| Where, on the unit, will the cooking fuel be located? | | |
| How much cooking fuel will be located on the unit? | | |
| 12. Do you have an exhaust hood? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <i>If yes, please complete the following:</i> | | |
| Who installed the hood? | | |
| What is the address of the installer? | | |
| What is the code/standard/year used in design of the hood? | | |
| What is the mechanical license number? | | |
| Date of last inspection on the exhaust hood system: | | |
| 13. Do you have a suppression system? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

| | | |
|--|---|---|
| <i>If yes, please complete the following:</i> | | |
| Who installed the suppression system? | | |
| What is the address of the installer? | | |
| What is the code/standard/year used in design of the hood? | | |
| What is the mechanical license number? | | |
| Date of last inspection on the suppression system: | | |
| 14. Do you have fuel piping? | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <i>If yes, please complete the following:</i> | | |
| What code/standard/year used in fuel piping? | | |
| Who installed the fuel piping? | | |
| What is the mechanical license number of the fuel piping installer? | | |
| 15. Please attach the following: | | |
| • Fees | • Michigan Sales Tax License | • Copy of Special Transfer Food Unit (MDARD) |
| • Photo of Unit | • Copy of State issued photo ID for all employees working at the unit | • Copy of the most recent 3 rd party fire suppression inspection (if applicable) |
| • Copy of license from Shiawassee County Health Department | | |
| 16. Fee Schedule (non-refundable AND permits are valid for six (6) months) | | |
| Location | May – October Fee | November – April Fee |
| • City-controlled property | \$300 | \$200 |
| • Non-city property | \$150 | \$100 |
| • Year-round city food service establishments on city-controlled property | \$250/year | |
| • Year-round city food service establishments not on city-controlled property | \$0/year | |
| 17. Allow up to 10 days for City review | | |
| 18. Have you ever had any licenses required by this City or any other State or Municipal authority revoked, suspended, or denied within three (3) years immediately prior to the date of this application? YES/NO <i>If yes, state the circumstances of any such revocation, suspension or denial:</i> | | |
| | | |
| I, the Applicant, acknowledge that all of the above information is true and correct to the best of my knowledge. | | |
| I have read and agree to comply with the rules and regulations stipulated by the City of Owosso for Mobile Food Vending of the Owosso Code of Ordinances. | | |
| I agree to hold harmless the City of Owosso, its agents, employees and associates now and forever for any damages, injuries or loss, personal or property, which may result due to the business related activities on city property. | | |
| I, as the proprietor of the mobile food vending truck/cart, take full responsibility for myself and my employees at said location. | | |

I understand it is my responsibility to make certain my business operations conform with all State and County Food Service codes and requirements.

Signature of Applicant

Printed Name

Date

19. FOR OFFICE USE ONLY

Date received:

Amount paid:

Department review:

Comments/Signature:

• Police/Fire Chief

• DPW/Engineering

• Building Department

Approved

Denied

Date license issued:

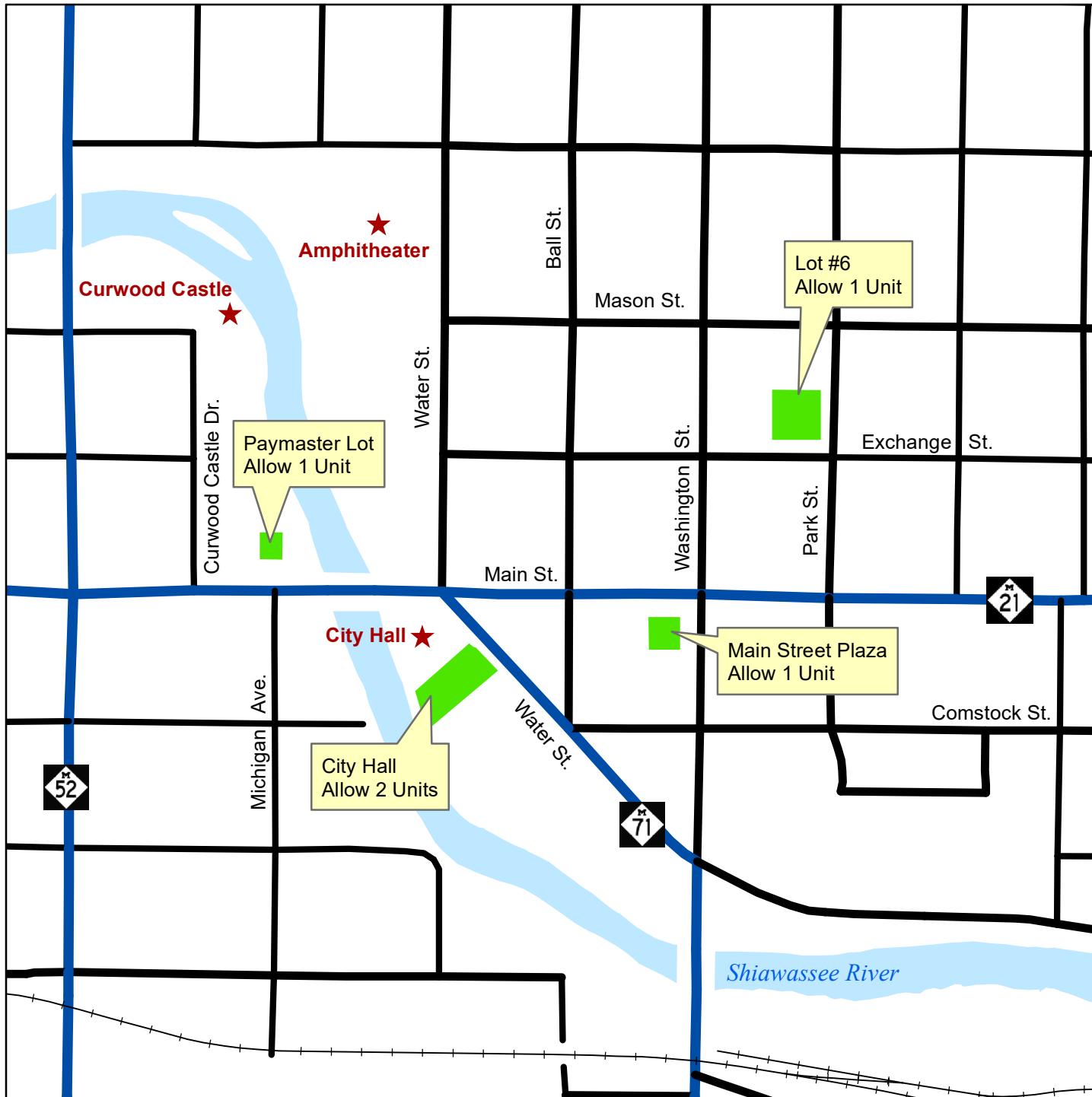
License #:

Approved by:

CHECKLIST FOR MOBILE FOOD VENDING UNIT LICENSEE

(Keep this checklist for your records)

| | |
|--|---|
| Festivals/events take precedence over public parking lots. You MUST contact the festival/event coordinator to participate. | |
| 1. Prominently display your license on your unit. | |
| 2. Allowed in commercially zoned districts on private property, City owned parks or City owned public parking lots (the following public parking lots are available): SEE MAP ON NEXT PAGE | |
| CITY HALL PARKING LOT ALLOW 2 UNITS | MAIN STREET PLAZA ALLOW 1 UNIT |
| PAYMASTER LOT ALLOW 1 UNIT | LOT #6 EXCHANGE/PARK STREET ALLOW 1 UNIT |
| 3. Provide waste receptacles at the site of the unit and remove all litter/debris on a daily basis. | |
| 4. Not allowed on a public street in a residentially or commercially zoned district unless prior approval has been obtained through a Traffic Control Order and City Council authorization. | |
| 5. No flashing/blinking/strobe lights, all exterior lights over 60 watts shall contain opaque, hood shield or direct the illumination downward. | |
| 6. No loud music, amplification devices or “crying out” which causes a disruption or safety hazard. | |
| 7. Comply with the City’s Noise Ordinance, Sign Ordinance and all other City Ordinances. | |
| 8. Comply with all applicable federal, state and county regulations. | |
| 9. Allowed one (1) portable sign – height of four (4) feet and square footage of eight (8) feet per side, located within five feet of the unit; can’t be placed on sidewalk nor impede pedestrian and/or vehicle safety. | |
| 10. A mobile food vendor may only operate between the hours of 7 a.m. and 2 a.m. IN CITY PARKS , the hours to operate are between 5 a.m. and 11 p.m. | |
| 11. No Mobile Food Vending Unit may be left unattended for more than 2 hours on public property; and any Mobile Food Vending Unit not in operation shall be removed from public property between the hours of 2 a.m. and 7 a.m. | |
| 12. Shall not utilize any electricity or power without the prior written authorization of the power customer. No power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner. | |
| 13. The use of an inverter generator (reduction in noise level) is required in the DDA District. | |



City of Owosso



Downtown Parking Lots for Mobile Food Vending Units

