



CITY OF GROSSE POINTE WOODS

PLANNING COMMISSION MEETING AGENDA

Tuesday, January 25, 2022 at 7:00 PM

*Robert E. Novitke Municipal Center - Council Chambers/Municipal Court,
20025 Mack Plaza, Grosse Pointe Woods, MI 48236
(313) 343-2426*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ACCEPTANCE OF AGENDA**
- 5. RECOGNITION OF COUNCIL REPRESENTATIVE/s**
- 6. APPROVAL OF MINUTES**
 - [A.](#) Planning Commission - 12/14/21
- 7. ELECTION OF CHAIR AND VICE-CHAIR**
- 8. ADOPTION OF RULES OF ORDER AND PROCEDURE**
 - [A.](#) PC Excerpt - 1/26/21
 - [B.](#) Rules of Order and Procedure - 1/26/21
- 9. SCHEDULE PUBLIC HEARING: Chapter 50 of City Code**
 - [A.](#) Building Official Memo - 1/20/22
- 10. DISCUSSION: Food Truck Ordinance**
 - [A.](#) Memo from City Attorney - 1/19/22
- 11. BUILDING OFFICIAL'S MONTHLY REPORT/s**
 - A. Building Department Report - December 2021
 - [B.](#) Building Department Annual Report 2021
- 12. COUNCIL REPORT/s**
 - A. December 20, 2021 - Gilezan
 - B. January 10, 2022 - Fuller
 - C. January 24, 2022 - Fuller
- 13. INFORMATION ONLY: Council Representatives for Next Meeting**
 - A. February 2021 - Gilezan
- 14. NEW BUSINESS: Subcommittees**
 - A. 2020 Plan
 - B. Crosswalk/Pocket Park

C. Streetscape

15. PUBLIC COMMENT

16. ADJOURNMENT

PLANNING COMMISSION
PENDING MINUTES 12-14-21 – 24

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON DECEMBER 14, 2021, IN THE COUNCIL-COURT ROOM OF THE ROBERT E. NOVITKE MUNICIPAL CENTER, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:02 p.m. by Chair Bailey

Roll Call: Chair Bailey
Planning Commissioners: Fenton, Hamborsky (arrived at 7:07 p.m.), Gerhart, Gilezan, O’Keefe, Profeta, Vitale

Absent: Fuller

Also Present: Building Official Tutag
Building Admin. Assistant and PC Recording Secretary Modrack
The Planning Commission, Administration, and the audience Pledged Allegiance to the Flag.

MOTION by Profeta, seconded by Gilezan, that commissioners Fuller and Hamborsky be excused from tonight’s meeting.
Motion carried by the following vote:
YES: Bailey, Fenton, Gerhart, Gilezan, O’Keefe, Profeta, Vitale
NO: None
Absent: Fuller, Hamborsky

MOTION by Vitale, seconded by Profeta, that all items on tonight’s agenda be received, and placed on file, taken in order of appearance as presented.
Motion carried by the following vote:
YES: Bailey, Fenton, Gerhart, Gilezan, O’Keefe, Profeta, Vitale
NO: None
Absent: Fuller, Hamborsky

The Chair recognized Council Representative Vaughn who was in attendance at tonight’s meeting.

MOTION by Profeta, seconded by Fenton, that the October 26, 2021 Planning Commission Meeting Minutes be received and placed on file as presented.
Motion carried by the following vote:
YES: Bailey, Fenton, Gerhart, Gilezan, O’Keefe, Profeta, Vitale
NO: None
Absent: Fuller, Hamborsky

The next item on the agenda was **Planning Commissioner’s attendance for 2022 City Council Meetings**. Discussion ensued and an updated memo with the exact Council Meeting dates will be brought before the Planning Commission at the next meeting.

PLANNING COMMISSION
PENDING MINUTES 12-14-21 – 25

Commissioner Hamborsky arrived at the meeting at 7:07 p.m.

The next item on the agenda was the **Building Official’s Monthly Report**, and the following items were presented for the months of October and December 2021:

- Surpassed 1,000 building permits this year, not including trade permits.
- There are a number of ordinances that we are looking change, i.e. bring up to compliance with state code, we are working with the City Attorney to make this a priority for the first part of the New Year: commercial vehicles, signs, outside storage, to name a few.
- The creation of an ordinance that regulates food trucks is also a potential priority.
- Updates and discussion with Commissioners and Council Representative Vaughn about the Solar Ordinance and Colonial Design Theme Ordinance.
- A good amount of new businesses with great looking signs on Mack Avenue.
- Clearzoning update: the final tweaks are being done, a draft should come before the Planning Commission either next meeting or shortly after.

The next item on the agenda was the **Recommendation of Master Plan Revision**. Commissioner Hamborsky spoke on behalf of the sub-committee’s consensus. It was recommended that the Master Plan be revamped with the administrative assistance of a professional planning firm, requesting the necessary funding from Administration to next year’s budget, and that the process include community input.

MOTION by Hamborsky, seconded by Vitale, that the Planning Commission recommends revamping the existing 2006 Master Plan, and requests from Administration the necessary funds to be included in the 2022-2023 fiscal year budget.

Motion carried by the following vote:

YES: Bailey, Fenton, Gerhart, Gilezan, Hamborsky, O’Keefe, Profeta, Vitale
NO: None
Absent: Fuller

MOTION by Gerhart, seconded by Gilezan to immediately certify the previous motion.

Motion carried by the following vote:

YES: Bailey, Fenton, Gerhart, Gilezan, Hamborsky, O’Keefe, Profeta, Vitale
NO: None
Absent: Fuller

The next item on the agenda was the **Council Reports**:

- Council Representative Vaughn reported on behalf of Commissioner Fuller regarding the November 8 & 15, 2021 Council Meetings.
- Commissioner Gilezan reported on the December 2021 Council Meetings.

PLANNING COMMISSION
PENDING MINUTES 12-14-21 – 26

Under **New Business**, the following items were discussed:

- 2020 Plan: Commissioner Hamborsky mentioned reappointing the committee in the new year and getting things back on track for editing.
- Crosswalk/Pocket Park Subcommittee: nothing to report.
- Streetscape Subcommittee: nothing to report.

Under **Public Comment**, the following was heard:

- Council Representative Vaughn welcomed new Planning Commission Members
- Chair Bailey welcomed new Planning Commission Members and thanked Grosse Pointe Woods staff.
- Commissioner Hamborsky and the rest of the Planning Commission Members thanked Commissioner Profeta for his time on the Commission.

MOTION by Gilezan, seconded by Chair Bailey to adjourn at 8:11 p.m.

Motion carried by the following vote:

YES: Bailey, Fenton, Gerhart, Gilezan, Hamborsky, O’Keefe, Profeta, Vitale

NO: None

Absent: Fuller

Respectfully Submitted,

Josie Modrack,

Administrative Assistant to the Building Official

PLANNING COMMISSION EXCERPT

01-26-2021

The next item was **adoption of rules of order and procedure**. Discussion among Commissioners. Remove the word “calendar” in article three (3), replace the word “as” with “at” in article five (5), and replace the word “of” with “by” in article six (6).

MOTION by Profeta, seconded by Vaughn, that the Planning Commission approve and adopt the Rules and Order of Procedures subject to the modifications presented by Commissioner Profeta.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Ketels, Profeta, Vaughn, Vitale

NO: None

ABSENT: Rozycki

RULES OF ORDER AND PROCEDURE
OF
PLANNING COMMISSION
OF
GROSSE POINTE WOODS

1. The Planning Commission shall be constituted and shall have powers and perform such duties as are provided for in Section 1, Chapter 4, of the City Code of the City of Grosse Pointe Woods.
2. The officers of the Planning Commission shall be a Chair, and Vice Chair/Secretary. The Chair shall preside at all Planning Commission meetings, and in the Chair's absence, the Vice Chair/Secretary shall act in such place and stead.
3. The terms of office of the Chair and Vice Chair/Secretary shall be for a period of one (1) year, or until their respective successors shall be elected and have qualified. At the first scheduled meeting of each year, the Commission shall elect from among its members, a Chair and Vice Chair/Secretary who shall be seated at the next regularly scheduled meeting.
4. The City Clerk or the Clerk's agent shall record all proceedings of the Planning Commission.
5. The Planning Commission shall hold regular meetings on the fourth Tuesday in each month, except December, which shall be held on the second Tuesday, at such time and at such Planning Commission shall determine. The regular Planning Commission meetings will be scheduled at 7:00 p.m., unless otherwise posted (01/22/19).
6. Special meetings of the Planning Commission shall be called by the City Clerk upon the written request of the Chair, endorsed in writing by two other members, or in such absence, by the Vice Chair/Secretary, endorsed in writing by two other members; or the written request of any three members of the Planning Commission on at least twenty-four (24) hours written notice to each member of the Planning Commission served personally or left at the place of residence; or by a majority affirmative vote of those present at a Planning Commission meeting.
7. No business shall be transacted at any special meeting of the Commission unless the same shall have been stated in the notice of such meeting, provided that the provisions hereof may be waived by consent of the members of the Commission present and the written consent of the absent members.
8. All meetings, both regular and special, shall be open to the public.
9. The majority of the members of the Planning Commission in office shall constitute the quorum for the transaction of business at any meeting thereof and in the event of a lack of quorum, the members of the Commission so present shall adjourn any such meeting to a later date.

10. The business of all meetings of the Commission shall be transacted, so far as possible, in the following order:

Roll Call
Approval of minutes
Matters appearing upon the Agenda
New Business

11. The presiding officer shall preserve order and decorum and shall speak to points of order in preference to other members. The presiding officer shall decide questions of order subject to appeal to the Commission, which appeal must be duly moved and seconded and sustained by majority vote of the Commission.

12. Before any member of the Commission, officers, or person in the audience may address the Commission, permission to do so must be obtained from the presiding officer, provided that any person having the floor shall not be interrupted unless ruled out of order by the presiding officer.

13. Approval of the Planning Commission shall be evidenced by a duly adopted motion or resolution of the Commission and by the execution of the "approval stamp" affixed to the front elevation of the building, the Plot Plan, the plat, the subdivision restrictions, the property use statement and other documents, as the case may be requiring approval by the Chair, or in the Chair's absence, by the Vice Chair/Secretary of the Commission, and when so approved the same shall be delivered to the City Clerk for further processing.

14. The Chair, in consultation with the Building Official, shall prepare an agenda of all matters which will be considered at each meeting, which agenda shall be distributed among the Commission members at least forty-eight (48) hours prior to the time of holding the meeting. Any matter not on the agenda shall not be acted upon without the unanimous consent of the members of the Commission present at such meeting, provided, if any matter is presented upon motion duly made and seconded, objection to action thereon shall be immediately voiced by any objecting members of the Commission before discussion is entered upon and, if no such objection is voiced, no objection shall thereafter be voiced to any action taken or proposed to be taken.

15. Upon request of a majority of the members of the Commission present, any question PROPERLY before the Commission shall be put to vote; such request for a vote shall be acted upon immediately without further discussion of the subject, and shall thereupon bring the question to a direct vote upon a motion to table, a motion to refer, a motion to amend, or upon the main question, in the order named.

16. At the request of a Commission member, any question shall be divided if such question, in the opinion of the presiding officer, is subject to division and shall be submitted as divided.

17. No motion or proposition different from that under consideration shall be admitted under cover of amendment, provided that a substitute motion may be submitted to cover the same subject matter and, if carried, shall result in determining the original motion out of order.

18. No motion shall be debated or put to a vote unless the same shall have been seconded and properly read by the Clerk, or summarized by the Chair.

19. A motion to reconsider any vote upon any question shall be in order at the following meeting of the Commission; provided that a member of the prevailing side intending to move to reconsider shall file a notice in writing of the Member's intention to do so with the Vice Chair/Secretary and the City Clerk within twenty-four (24) hours after the action to be reconsidered was taken. The same number of votes shall be required to reconsider any action of the Commission as is required to adopt the same.

Upon the filing of a Notice for reconsideration, the effect of the action to be reconsidered shall be suspended until action can be taken upon such consideration. Action upon the reconsideration shall be taken at the next regular Commission meeting or at a prior Special Meeting called for that purpose.

20. When any question is under debate, no motion shall be received except the following, and in the order named:

- Motion to adjourn
- Motion to table
- Motion for the question
- Motion to refer
- Motion to amend
- Substitute motion

21. A motion to adjourn shall always be in order except when a vote is being taken or when a member of the Commission has the floor. A motion to adjourn or to table shall be decided without debate.

22. These Rules of Order may be amended or altered by a majority vote of the Commission.

23. The Commission, by a majority affirmative vote of the Commission, may suspend the operation of any one of the aforementioned Rules for a single session, except Section 18.

24. Making of remarks by Commission members should be preceded by asking permission of the presiding officer.

25. Upon the City Clerk receiving a petition directed to the Planning Commission, which petition requires a public hearing under the provisions of the City Code, the City Clerk shall determine whether such petition contains all necessary information and, if so, the City Clerk may establish a date for a public hearing before the Planning Commission and publish any notices required and shall forward such petition to the Planning Commission which shall conduct the public hearing on the date established therefore.

26. **IMPORTANT:** If a Planning Commission Member will be absent for a meeting, the Member must notify the Chair of such anticipated absence as soon as possible prior to such meeting.

27. Except as above provided, Roberts "Rules of Order" shall govern.
28. The Chair shall prepare an annual report to be submitted to the City Council in accordance with the Planning Enabling Act. The report shall be submitted to the Planning Commission for approval in January of each calendar year to ensure that the report is submitted to the City Council for their budget deliberations. The report should summarize the Commission's operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.
29. **Conflict of Interest**
- A. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if a conflict exists.
 - B. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - 1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - 2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - 3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - 4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - 5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 - 6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - a) An applicant or agent of an applicant, or
 - b) Has a direct interest in the outcome.
 - C. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
 - D. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following as soon as possible.
 - 1. Declare a conflict exists at the first available meeting of the Commission or committee;

- 2. Cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, provided however that the member may remain in the Council chambers during deliberation.
- E. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

30. **Capital Improvement Review**

The Planning Commission will review information regarding appropriate capital improvement projects as provided to it by the Administration in order to comply with state law regarding the capital improvement review process.

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CITY OF GROSSE POINTE WOODS

Building Department

MEMORANDUM

DATE: January 20, 2022

TO: Planning Commission

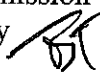
FROM: Gene Tutag, Building Official

SUBJECT: Scheduling of a Public Hearing Amending the Zoning Ordinance and Zoning Map

We are requesting the City of Grosse Pointe Woods Planning Commission schedule a public hearing for Tuesday, February 22, 2022 at 7:00 p.m. local time. Located in the Council-Court Room of the Robert E. Novitke Municipal Center, 20025 Mack Plaza, Grosse Pointe Woods, Michigan 48236.

This public hearing is to consider public comment regarding the repealer and replacement of the City of Grosse Pointe Woods, Wayne County, Zoning Ordinance and Zoning Map in its entirety. The proposed text amendment reorganizes the Zoning Ordinance, which enhances customer service and improves the accessibility and visual presentation of the Zoning Ordinance through digitalization, reformatting the code into user friendly, understandable format with color graphics, links to key information and searchable words and terms.

MEMORANDUM

To: Grosse Pointe Woods Planning Commission
From: Timothy D. Tomlinson, City Attorney 
Date: January 19, 2022
Subject: Food Trucks

Attached is a packet of information relative to ordinances governing mobile vending establishments, such as food trucks. We are continuing to see a growth in the utilization of food trucks, including franchises beginning to invest in these type of mobile vending units and dispersing them throughout the region. As a result, many cities are looking at adopting regulations regarding same specifically, or, specifically prohibiting their use within their boundaries. Currently, Grosse Pointe Woods does not have an ordinance specifically regulating these type of units. The City has taken the position that if not specifically allowed in the zoning ordinance, then such a use is prohibited. Given the proliferation of their use in the metro area, it is suggested that we take a more active approach in addressing this type of use.

Attached is information representing some of the issues if not specifically addressing it and have the potential of leading to litigation, such as in Royal Oak.

One of the primary contentions with regard to permitting food trucks is its effect on local businesses, specifically the brick-and-mortar businesses that pay taxes and have substantial investment within the City. This investment itself leads to a greater tax base for the City as a whole. The age-old argument is these transient type of food establishments take away business from the current food establishments.

Alternatively, the counter-argument is mobile vending units allow greater variety of food options for residents, among others.

There are several options that the Planning Commission can consider. I have attached a number of different ordinances that address a number of these items in different ways. The following are some possible suggestions:

1. Outright prohibition of food trucks.
2. Limited permitting of food trucks for special events only.
3. Permitting food trucks subject to strict buffering regulations from existing food businesses and restaurants.
4. Permitting food trucks only in certain areas of the City at certain times.

Recently, I was involved in drafting the City of New Baltimore's ordinance attached hereto. The City of New Baltimore is unique because it has a downtown area, as well as a major corridor with significant restaurants and strip centers located along the state trunkline. They have sought to limit the location of food trucks, as well as imposed significant regulations as to how they are operated.

The Administration puts forth these issues for your review as we believe it is in the best interest of the City to specifically address food trucks and/or mobile vending units in the ordinances.

Menu



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NEWS



Distillery fighting ordinance that prohibits use of food trucks in downtown Royal Oak



Posted at 8:23 AM, Nov 12, 2018 and last updated 8:23 AM, Nov 12, 2018

A food truck battle in Royal Oak leads to a public hearing tonight.

A distillery on East Fourth Street, a couple of blocks off of Main Street, is fighting to change an ordinance to allow the use of food trucks.

The current ordinance doesn't specially address restaurants on wheels but considers them "transient merchants" and those are not allowed downtown.

Motor City Gas Distillery has a tasting room for its whiskey, that's made on the spot, but what it's missing is a kitchen.

When owner Rich Lockwood wanted to host food trucks, he didn't realize the controversy it would cause.

"We do the full process all the way from grain to glass."

Every inch of Motor City Gas Distillery is used to make whiskey and host tastings.

Even though they allow customers to bring their own food, many don't.

Lockwood thought it would be fun to have food trucks in his back lot to offer eats with cocktails.

"Pop-up style events than just regular food."

Turns out he can't because of an ordinance that bans food trucks.

Now, he's trying to change that to allow distilleries and breweries without kitchens to rent food trucks that sit on private property.

The issue was addressed at a city commission meeting last month.

The city's restaurant association and chamber of commerce are against amending the ordinance, saying it will negatively affect restaurants who are already hurting.

Lockwood wants to hammer home the fact that he wants to host food trucks only twice a week.

"We don't believe that food trucks should be lined up and down Main Street, competing with all the restaurants," he explained. "Royal Oak has always been

What The Truck? Grand Rapids considers new regulations for food trucks

Michigan Radio | By Lindsey Smith

Published June 11, 2012 at 5:00 AM EDT



Lindsey Smith / Michigan Radio

This week Grand Rapids officials will debate whether food trucks should be allowed in the city. People will get a chance to weigh in on the proposed rules Tuesday night. The rules would allow food trucks but limit when and where they could operate.

Right now food trucks have to part of a special event, like ArtPrize for example. But some have found a way to operate in a sort of legal grey area under the same rules that mobile ice cream trucks operate.

"Someone puts their hand out and flags us down and says 'hey I want breakfast',

Lee, owner of What The Truck said. "We set up so we can cook them breakfast and as long as we continue to have customers at our window, we can be parked here."

Unlike an ice cream truck, Lee stays in this spot near a busy farmers market for hours. That wouldn't be allowed if the proposed rules regulating food trucks are adopted. He also wouldn't be allowed to set up in front of this computer/antique shop or set up all these nice folding chairs on the sidewalk for customers to sit and eat.

Under the proposed rules What The Truck and other food trucks would have to find a spot on private property to park. They'd have to go through a pretty extensive process to get approval from the city planning commission, which would include gathering input from neighboring businesses and residents. Their hours of operation would be limited too.

I should mention, Lee says the name 'What The Truck' stems from his frustrations with the city's regulations of food trucks. "It just seemed so restrictive that I don't know how anyone could ever do it. The name came from kind of throwing our hands in the air saying, umm, what we probably shouldn't say on air," Lee said with a smile.

Lee is against the new regulation because they're even more restrictive. He says the rules could be particularly intimidating for people who speak English as a second language or who aren't really familiar with how city government works. "But that doesn't mean they couldn't be great at running a business," Lee said.

Grand Rapids' city planning director Suzanne Schulz admits "we're taking a pretty conservative approach with this." Schulz and the planning commission have been working to shape the controversial rules for several months.



**MICHIGAN
RADIO**
MICHIGAN'S NPR NEWS LEADER



Donate

That's because dozens of restaurant owners are uniting against the food trucks. They say the trucks will hurt their businesses and could lead to more vacant storefronts.

Back in December I spoke with Patty Konwinski, a co-owner of The Dog Pit. The downtown hot dog restaurant employs 10 part-time workers. Konwinski says she'd

Michigan Radio
Stateside

totally against food trucks, but she says there's not enough foot traffic in Grand Rapids to support them.

"Other than restaurant and bar traffic we don't have enough other events downtown yet," Konwinski said, "We'll get there, but we're not there yet."

Lee, who also owns The Winchester, a brick and mortar restaurant in Grand Rapids, doesn't buy that argument. "One is grab and go food and the restaurant is sit down table service," Lee said, "They're totally different customers with different needs."

Lee says the libertarian public interest law firm The Institute for Justice has contact him about the proposed laws in Grand Rapids. The group fought local regulations on food trucks in El Paso, Texas earlier this year. Lee says he does not want to take any legal action, but will see how things go at city commission.

The commission holds a public hearing Tuesday night. It could ask Schulz's department to make changes to the proposed rules or it could set a date to vote on them as is. That would likely come later this month.

Tags

Grand Rapids

restaurants

urban development

food trucks

**Lindsey Smith**

Lindsey Smith is Michigan Radio's Morning News Editor. She previously served as Michigan Radio's investigative reporter and West Michigan Reporter.

See stories by Lindsey Smith

Lansing State Journal

NEWS

Food truck proposal has strong opposition in Charlotte

Rachel Greco Lansing State Journal

Published 6:18 a.m. ET Sept. 12, 2016 | Updated 8:35 a.m. ET Sept. 12, 2016

CHARLOTTE - A proposed ordinance that would allow food trucks to do business in the community will go before City Council next month, but officials say they aren't sure the controversial measure has any real chance of passing.

Charlotte is one of two communities in the region - Delhi Township is the other - that prohibit food trucks except during festivals and events. Nearly a dozen others regulate them.

The proposed ordinance drafted by city staff at the recommendation of the Planning Commission allows food trucks in certain business districts such as the Lansing Road corridor and in parks and at churches. It would establish fees for permits and give priority for permits to local residents.

Charlotte's Planning Commission passed a recommendation to draft a proposal in a 5-3 vote in August after months of debate, but the proposal is drawing heavy opposition from downtown business owners. They say allowing food trucks into the city will only hurt the local economy.

Food truck debate: Communities weigh in on rising trend

The city's Downtown Development Authority was so divided on the issue that members declined to issue a position on food trucks, said Bryan Myrkle, the city's community development director.

But the mobile eateries, growing in popularity nationwide, do have some local support from officials who say giving them a shot is simply part of a competitive, free market.

"Without a challenge, they (existing restaurants) may never have to step up their game," said Justin Brummette, a planning commissioner. "Why not give it a shot to see if it's actually beneficial? If you never give it a shot you'll never know."

Debating food trucks

There's no shortage of vendors interested in serving Charlotte's residents. City staff field half a dozen phone calls each year from people interested in bringing their trucks to the community, Myrkle said.

Joe Bristol is one of them. Three years ago he bought a mobile food cart, an offshoot of his downtown Potteryville restaurant, Joe's Gizzard City. With it he's served customers in Grand Ledge and Mason.

More than a year ago he called Myrkle to ask if he could set up shop in Charlotte for the summer.

"I'd like to do business in Charlotte if I could," Bristol said. "But if the city has rules and regulations against that, obviously you can't."

LoveLansing podcast: Talkin' food trucks in Mid-Michigan

Bristol doesn't understand the restriction. He said the fees food truck owners pay generate money for cities. They also provide entrepreneurs with the opportunity to "test a market" they later might later choose to open a brick and mortar location in.

"It does bring a different variety of food to the city itself," he said. "Will it cut into the sales at current restaurants? Yes, it may. I don't see any problem with competition."

But downtown business owners say food trucks have an unfair advantage.

Tom Hewitt's family has owned The Gavel on South Cochran Avenue for 32 years. Owning a small business can be a struggle, he said, and food truck vendors simply don't have the same fixed costs as a restaurant.

"If every restaurant was full and we were turning people away, then yeah, I'd have no problem with it," Hewitt said. "We need something more permanent, not someone who hauls their business in and out."

Ken Wirt agrees. He owns a tanning salon and additional property downtown that's leased to existing businesses.

"To have someone come in and compete when they have no overhead just doesn't make sense," he said. "You're helping defeat businesses that have been there for 30 years. They're the people that support the community year round."

Tom Bohunsky opened the Rubber Biscuit Bar & Grill on South Cochran Avenue over a year ago. He said he isn't against food trucks, but believes officials shouldn't allow them into the city until downtown's vacant storefronts have been filled.

"Let's fill all these buildings and then consider whether or not to allow them," he said.

Jason Strotheide, whose new eatery The Whistlepig BBQ opened Friday on North Cochran Avenue, sees it differently. He believes there are ways the city can welcome food trucks into parks and other areas without hurting restaurants in the downtown.

"I think there's a space for them in the city of Charlotte," Strotheide said. "There are depressed areas in the city that could benefit from them. There's opportunity. You've just gotta be creative about it without doing any harm to the existing businesses. It doesn't have to be in the backyard of the businesses."

Competition, variety

City Council member Chris Bahmer is the council's representative to the Planning Commission. He sat through discussions about food trucks and listened to business owners share their concerns about them.

Bahmer isn't sure if the proposed ordinance will have enough support to pass. He said he sees both sides of the issue and isn't sure how he'll vote.

Gregg Guetschow, city manager, said City Council will likely begin looking at the proposed ordinance at its Oct. 10 meeting.

"I think we need to look long and hard at how to make it an even playing field," Bahmer said. "Basically, any way the government can get out of giving an advantage to either side."

But Brummette said he believes competition isn't the issue. He favors bringing in more variety for residents.

"I don't want to take my business outside the city but in order to have more choices I have to leave," he said. "I don't understand the adamant push back on some issues and this is one of them."

What's next?

Charlotte City Council is expected to consider a proposed ordinance that would allow food truck vendors to operate in the city next month at 7 p.m. Oct. 10 at Charlotte City Hall, 111 E. Lawrence Ave.

The current proposal would give permit priority to local residents, said Bryan Myrkle, Charlotte's community development director. It also establishes a \$250 fee for a monthly food truck permit and a \$500 fee for a six-month permit. It limits food trucks to certain zoning areas — including the business district on Lansing Road, at churches and parks and prohibits food trucks from being closer than 1,000 feet to the downtown business district on South Cochran Avenue.

The Planning Commission has recommended that officials place a "sunset clause" on the ordinance, requiring that it be re-evaluated after one year.

MOTION MADE BY: _____

MOTION SECONDED BY: _____

AN ORDINANCE TO AMEND THE CITY OF NEW BALTIMORE CODE OF ORDINANCES, BY ADDING CHAPTER 36, ARTICLE IV, TO REGULATE, PROVIDE DEFINITIONS, PERMITTING, APPLICATION PROCESS, FEES, PERMIT EXPIRATION, LIMITATIONS ON PERMIT TRANSFER, EXCEPTIONS, LOCATIONS HOURS OF OPERATION, OTHER REGULATION, APPEAL, VIOLATIONS AND TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

**CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. _____

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. Chapter 36 of the City Code of Ordinances is amended by adding Article IV as follows:

ARTICLE IV - MOBILE FOOD VENDING UNITS

Sec. 36-125 - Definitions.

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

Mobile Food Vending means vending, serving, or offering for sale food and/or beverages from a mobile food vending unit, which may include the ancillary sales of other items consistent with the food provided, such as a tee shirt that bears the name of the organization engaged in mobile food vending.

Mobile Food Vending Unit means any motorized or non-motorized vehicle, trailer, table or other similar device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale. This definition does not apply to vehicles which dispense food or beverages 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.

Operate means 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 or group of individuals 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, cart or other means of conveyance.

Sec. 36-126 - Permit Required.

It shall be unlawful for any person to operate a mobile food vending unit in the City without first obtaining a permit as provided in this Article.

Sec. 36-127 - Application.

A person desiring to operate a mobile food vending unit shall make written application for a permit to the City Clerk, unless part of an approved Special Event Application. In the event of a Special Event, the Special Event Application should list what, if any, food vendors will be attending and the food vendors shall be required to register with the City and pay a fee to be established by resolution of City Council. The application for a permit shall be on forms provided by the City Clerk, and shall include the following:

- (1) Name, signature, business address, telephone number, and email contact information of the applicant.
- (2) Information on the mobile food vending unit, to include a copy of the current vehicle registration and dimensions, which shall not exceed thirty-six feet (36') in length or ten feet (10') in width.
- (3) A plan which includes information setting forth the proposed locations of operation, hours of operation, plans for power access, water supply and wastewater disposal, and written property use agreements, if applicable.
- (4) Copies of all necessary licenses or permits issued by Macomb County and the State of Michigan.
- (5) Insurance coverage:
 - (a) Proof of Commercial Liability Insurance policy with limits of no less than Two Million Dollars (\$2,000,000) combined Single Limit coverage issued by an insurer licensed to do business in this state, and which names the City as an additional insured.
 - (b) Proof of Commercial Auto Policy with bodily injury and property damage with limits of no less than Two Million Dollars (\$2,000,000) per accident issued by an insurer licensed to do business in this state.

- (6) At the time of filing the application, a fee as established by resolution to cover the cost of the review and administrative processing, no part of which shall be refundable.
- (7) A signed statement that the licensee shall indemnify and hold harmless the City, its officers, agents, and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under the terms of the license.

Sec. 36-128 - Review of Application and Issuance.

- (1) Upon receipt of an application, the original shall be forwarded to the City Clerk, for review as to compliance with all applicable laws and Ordinances.
- (2) If as a result of such review the application is found not to be in compliance with all applicable laws and ordinances the City Clerk shall endorse on the application disapproval and the reasons for disapproval, and shall notify the applicant that the application is disapproved and that no permit will be issued.
- (3) If as a result of such review the application is satisfactory, the City Clerk shall approve the application. The City Clerk, upon payment of the prescribed fee, shall issue a permit. All such permits shall contain the signature of the City Clerk, and show the name and address of the applicant, a description of the mobile food vending unit, the amount of the fee paid, and the expiration date of the permit.

Sec. 36-129 - Fees.

An applicant for a mobile food vending unit permit shall pay an annual fee as established by resolution of City Council.

Sec. 36-130 - Expiration.

Each mobile food vending permit shall expire on December 31st in the year of issuance. There shall be no proration of fees.

Sec. 36-131 - Limitations on Transfer of Permits.

- (1) A permit issued under this Article shall not be transferable from person-to-person, from business-to-business, from vendor-to-vendor, from member/shareholder-to-member/shareholder, or any combination thereof.
- (2) A permit is valid for one mobile food vending unit, and shall not be transferred between mobile food vending units.

Sec. 36-132 - Exceptions.

A permit issued under this Article shall not be required for any school-sponsored mobile food vending unit operating on school property. Restaurants who operate a permanent business physically present in the City are also exempt under this article while mobile vending on their own private property but they shall not subcontract or hire such vendors in an attempt to evade this Article. Mobile food vending that occurs entirely indoors, located inside a building is exempt under this Article. Groups and individuals who are exempt under this Article from permitting must still receive written permission from the City before operating on public property.

Sec. 36-133 - Locations.

- (1) Appropriate locations for mobile food vending units shall be limited to the areas as stated in a Resolution of Council or private property with a written agreement signed by the property owner. The use of other public areas, including on-street parking, is prohibited without written permission from the City without exception.
- (2) Mobile food vending units may not be parked and shall not operate within the Downtown Development District, unless part of an approved Special Event Application. This does not apply to a restaurant, already physically present in the City on a permanent basis, from mobile vending on their own private property.
- (3) Mobile food vending units are not permitted within one thousand feet (1000') of any fair, festival, special event, or civic event, or other event with City approved community event status unless written permission from the event coordinator is obtained.
- (4) The issuance of a mobile food vending unit permit does not grant or entitle the vendor to the exclusive use of any service route or space.
- (5) Mobile vending units must be setback a minimum of twenty feet (20') off the property line of any public road and must be a minimum of fifty feet (50') away from the property line of any residential property. Mobile vending units may not operate on a single-family residential property.

Sec. 36-134 - Hours of Operation.

- (1) Mobile food vending units shall be permitted to operate on public property between dawn and dusk.
- (2) A mobile food vending unit shall not be parked overnight on public property, or left unattended and unsecured at any time food is in the vehicle or at the location, unless part of an approved Special Event Application. Any mobile

food vehicle unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

- (3) Mobile food vending units shall be permitted to operate on private property during the hours of operation of the primary use business and shall not operate as an accessory use before or after the primary use business is open for business. The private property owner may dictate mobile vending operations less than their business hours.

Sec. 36-135 - Regulations.

- (1) Customers of mobile food vending units shall be provided with single service articles such as plastic utensils and paper plates.
- (2) All mobile food vending units shall provide a waste container for public use which the vendor shall empty at its own expense. All on-site trash and garbage originating from the operation of mobile food vending units shall be collected and disposed of off-site by the operators each day, and in such a manner so as to not allow overflowing containers during the course of operations. Spills of food or food by-products shall be cleaned up, and no dumping of gray water is permitted.
- (3) No mobile food vending unit shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City noise ordinance, including generators. No loud music, other high-decibel sounds, horns, "crying out" or any other audible methods to gain attention are permitted.
- (4) Signage is permitted when placed on mobile food units, so long as it does not extend above or beyond the mobile vending unit itself. One free-standing temporary sign of no more than six square feet (6') in residential districts or twenty-four square feet (24') in commercial or industrial districts is permitted but the signage must be located entirely within twenty feet (20') of the mobile vending unit. The vendor must otherwise follow the City's sign ordinance, including sandwich board signs.
- (5) No flashing or blinking lights, or strobe lights, are allowed on mobile food vending units or related signage at any time, unless part of an approved Special Events Application. All exterior lights with over sixty (60) watts shall contain opaque hood shields to direct the illumination downward.
- (6) Awnings for mobile food vehicles shall have a minimum clearance of seven feet (7') between the ground level and the lowest point of the awning. Seating, tables, waste disposal or cleaning apparatus of the vendor shall be located within twenty feet (20') of the vending unit and shall not constitute a danger or impedance to the public.

- (7) Any power required for the mobile food vending unit shall be self-contained, and a mobile food vending unit shall not use utilities drawn from the public right-of-way. Mobile food vending units on private property may use electrical power drawn from the property being occupied or an adjacent property, but only if the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any City street, alley, or sidewalk.
- (8) The vendor shall make the mobile food vending unit permit available for inspection by any member of law enforcement or to the Mayor or City Clerk at any time the vendor is operating.
- (9) The vendor shall follow all local, state and federal laws, rules and regulations in their operation of the mobile vending unit. A permit obtained under this Article shall not relieve the vendor of the responsibility of obtaining any other permit or authorization required by other ordinance, statute or administrative rule.
- (10) The vendor shall not represent the granting of a permit under this article to be in any way an endorsement by the City.
- (11) All permits and licenses shall be prominently displayed on the mobile food vending unit.

Sec. 36-136 - Revocation.

- (1) Permits issued under the provisions of this Article may be revoked by the Mayor after notice and hearing, by a preponderance of the evidence for any of the following causes:
 - (a) Fraud, misrepresentation, or false statement contained in the application for permit or made in the course of operating a mobile food vending unit; or
 - (b) Conducting the business of a mobile food vending unit in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; or
 - (c) Any violation of this Article; or
 - (d) Failure to possess or maintain any required food safety licensure.

- (2) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the applicant at the address provided at least five days prior the date set for the hearing.
- (3) Permits issued under the provisions of this Article may be immediately suspended by any law enforcement or health safety officer or the Mayor prior to notice and hearing if continued operations of the mobile vending unit would be harmful to the health or safety of the general public. Any permit suspended under this section shall remain suspended until such time as a notice and hearing may take place regarding the truth of the accusation made regarding the health or safety effects of the mobile vending unit.

Sec. 36-137 - Appeals.

Any person aggrieved by the action of the Mayor, City Clerk, law enforcement or health safety officer in the denial of an application for a mobile vending permit, or in the decision with reference to the revocation or suspension of a permit as provided in this article shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal, and a notice of such hearing shall be given the appellant in the same manner as provided for notice of a hearing on revocation. The decision and order of the City Council on such appeal shall be final and conclusive.

Sec. 36-138 - Violations.

Except as otherwise provided by state law, persons who violate any of the provisions of this Article are responsible for a municipal civil infraction punishable by a fine of \$500. Each day that a violation exists shall be considered a new and separate offence and shall have imposed a new a separate municipal civil infraction.

Section 2. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 4. Effective Date. This Ordinance shall be effective twenty (20) days from and after its adoption by the City of New Baltimore City Council.

AYES _____

NAYS _____

ABSENT _____

John Dupray, Mayor

Attested:

Marcella Shinska, City Clerk

CERTIFICATION

I, Marcella Shinska, City Clerk of the City of New Baltimore, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of New Baltimore, assembled in regular session on July ____, 2021. Said Ordinance was posted in the following places:

Notice of said posting was published in *The Macomb Daily* on July ____, 2021.

Marcella Shinska, City Clerk

City Council Date: _____

Publication Date: _____

City of Monroe, MI
Monday, January 17, 2022

Chapter 360. Food Trucks/Mobile Food Vending Units

[Adopted by the Mayor and City Council of the City of Monroe 7-5-2016 by Ord. No. 16-005.
Amendments noted where applicable.]

§ 360-1. Intent.

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

§ 360-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOD TRUCK

A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.

MOBILE FOOD VENDING

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, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

MOBILE FOOD VENDING UNIT

Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

VENDOR

Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

OPERATE

All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

§ 360-3. Permit required.

- A. No vendor shall engage in mobile food vending without a permit issued by City of Monroe Clerk/Treasurer's office authorizing such vending. The Monroe City Council shall prescribe the form of such permits and the application for such permits.

- B. All permits shall be prominently displayed on the mobile food vending unit. A permit for shall not be issued by the Clerk/Treasurer's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.
- C. A vendor who has applied for and received a permit to operate a food truck or mobile food vending unit under this chapter does not have to also apply for and receive a permit to operate under the City of Monroe's Hawkers, Peddlers and Transient Merchants Ordinance (Chapter 374 of the Monroe Code).

§ 360-4. Duration of permit; nontransferability.

Permits issued by the City of Monroe Clerk/Treasurer's office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this chapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

§ 360-5. Application for permit.

- A. Any vendor desiring to operate a food truck or engage in mobile food vending in the City of Monroe shall submit a completed application to the City of Monroe Clerk/Treasurer's office and receive a permit issued by that office.
- B. The applicant shall truthfully state, in full, all information requested on the application for permit issued by the City of Monroe Clerk/Treasurer's office. Additionally, the applicant shall provide all documentation, such as insurance, as required by this chapter or the City of Monroe. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 360-6. Single-event permits.

A single-event application is also available from the City of Monroe Clerk/Treasurer's office for vendors wishing to operate a food truck or mobile food vending unit during a City-sponsored or City-endorsed special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 360-7. Fees.

An application for a permit shall be accompanied by a fee in the amount established by resolution by the Monroe City Council. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Clerk/Treasurer's Office.

§ 360-8. Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements.

- A. Food trucks/mobile food vending units shall only operate in districts zoned C-O, CBD, C-1, C-2, I-1, I-2, PROS, Waterfront Commercial, or Planned Unit Development Districts, or other districts approved by the Monroe City Council.
- B. Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the City Clerk/Treasurer's office. No food service shall be allowed on the driving

lane side of the mobile food vending unit. If operating on a private street, the customer area for mobile food vending units shall be on the curb lawn or sidewalk when parked.

- C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
- D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
- E. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- F. Vendors shall not use 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 of Monroe
- G. There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.
- H. Mobile food vending units shall not be parked and operating from 7:00 a.m. to 5:00 p.m. in the following areas: Front Street from Cass Street (on the west) to South Macomb Street (on the east); and Washington Street from Loranger Square (on the south) to East Front Street (on the north).
- I. Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to dining furniture, fixtures, and equipment.
- J. No vendor shall 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 street or sidewalk except in a safe manner. If unit is not self-contained and requires electric service, a permit issued by the City of Monroe Building Department is required.
- K. Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- L. Vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

§ 360-9. Other permits.

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 resolution, ordinance, statute, or administrative rule.

§ 360-10. Complaints; appeals; revocation of permit.

- A. If a written complaint is filed with the City of Monroe Clerk/Treasurer's office alleging a food vendor has violated the provisions of this chapter, the Clerk/Treasurer's office shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the Clerk/Treasurer's office, with the assistance of other City departments, as required, as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Clerk/Treasurer's office, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- B. The City of Monroe Clerk/Treasurer's office 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 law, ordinance or regulation; makes a false statement on his/her application;

or conducts activity in a manner that is adverse to the protection of the public health, safety, or welfare.

- C. If a permit is denied or revoked by the Clerk/Treasurer's office or if a written complaint is certified pursuant to this chapter, the applicant or holder of the permit may appeal to Monroe City Council. Such appeal shall be in writing. The City Council (or designee) shall make a written determination, after reviewing evidence related to the appeal, as to whether the denial, revocation, or complaint is valid. If the City Council (or designee) determines that the denial, revocation, or complaint is valid as supported by a preponderance of the evidence, the action of the Clerk/Treasurer's office shall be sustained. The applicant may appeal the decision of the Monroe City Council (or designee) to a court of competent jurisdiction.
- D. Immediately upon such revocation, the Clerk/Treasurer's office shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.

§ 360-11. Appearance tickets.

The Monroe Police Department or such other officials as designated by the Monroe City Council are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law.

§ 360-12. Civil infraction.

A violation of this chapter is designated as a civil infraction subject to fines as set out in § 1-27E of the Monroe Code.

Chapter 865 - Mobile Food Vending

865.01 - Intent.

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

(Ord. 963. Passed 5-6-13)

865.02 - Definitions.

- (a) *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 tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *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, cart or other means of conveyance.
- (d) *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.

(Ord. 963. Passed 5-6-13)

865.03 - Permit required.

No vendor shall engage in mobile food vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently 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.

(Ord. 963. Passed 5-6-13)

865.04 - Duration; non-transferability.

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

(Ord. 963. Passed 5-6-13)

865.05 - Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city.

(Ord. 963. Passed 5-6-13)

865.06 - Fees.

An application for a permit under this chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. 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.

(Ord. 963. Passed 5-6-13)

865.07 - Investigation by the city clerk.

For mobile food vending within residential areas, approval must be given by the City Clerk prior to issuance of a permit by the City Clerk.

(Ord. 963. Passed 5-6-13. Ord. 1026. Passed 9-8-15)

865.08 - Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (2) If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
- (3) Not operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event

sponsor.

- (4) Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (5) Not use 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.
- (6) Comply with the city's Noise Ordinance, Sign Ordinance and all other City ordinances.
- (7) Comply with all applicable federal, state and county regulations.
- (8) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, 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.
- (9) Within residential areas, a mobile food vendor may only operate between the hours of 9:00 a.m. and 9:00 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7:00 a.m. and 11:00 p.m. On private property within commercial area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
- (10) No mobile food vending unit may be left unattended for more than two hours; and any mobile food vending unit not in operation shall be removed between the hours of 11:00 p.m. and 7:00 a.m. in commercial areas and 9:00 p.m. to 9:00 a.m. in residential areas. This subsection applies to mobile food vending units operating on city-controlled property only.
- (11) Not represent the granting of a permit under this chapter as an endorsement by the City.
- (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.

(Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

865.09 - Parking beyond limits allowed by city ordinance and order.

Any mobile food vending unit with a valid mobile food vending license may park in a city-controlled parking space for durations as authorized by the permit; and such mobile food vending unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no mobile food vending unit shall park in a City-controlled parking space if parking is prohibited altogether. Any mobile food vending unit parked in a metered parking space with a valid mobile food vending license shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter.

(Ord. 963. Passed 5-6-13)

865.10 - Impoundment.

Any equipment associated with food vending that are not in compliance with this chapter and left on public property may be impounded at the owner's expense.

(Ord. 963. Passed 5-6-13)

865.11 - Other permits.

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.

(Ord. 963. Passed 5-6-13)

865.12 - Revocation.

The City Clerk 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 adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk 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.

(Ord. 963. Passed 5-6-13)

865.13 - Complaints; appeals.

If a written complaint is filed with the City Clerk alleging a food vendor has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for

denial, revocation or complaint are true. If the City Manager determines that such grounds are a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

(Ord. 963. Passed 5-6-13)

865.14 - Appearance tickets.

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(Ord. 963. Passed 5-6-13)

865.15 - Civil infraction.

A vendor who violates this chapter is responsible for a civil infraction and subject to a fine of \$500.00 per day. Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances.

(Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

CITY OF GRAND BLANC
ORDINANCE #1701-08

AN ORDINANCE TO PERMIT AND REGULATE MOBILE FOOD VEHICLE VENDORS

THE CITY OF GRAND BLANC ORDAINS:

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

Definitions:

Mobile Food Vehicle – A motorized vehicle which may upon issuance of a license by the City Clerk and conformance with the regulations established by the ordinance may temporarily park upon a public street and engage in the service, sale or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

Mobile Food 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.

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.

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.

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.

Permit Required.

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently 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. A permit issued under this ordinance shall not be transferable from person to person. A permit is valid for one vehicle only and shall not be transferred between vehicles. The City Clerk shall issue no more than 5 active mobile food vehicle permits for any permitting period.

The permit application shall include the following:

1. Name, signature, phone number, email contact and business address of the applicant.
2. A description of the preparation methods and food product offered for sale including the intended menu.
3. Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed thirty (30) feet in length and ten (10) feet in width.
4. Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
5. Copies of all necessary license or permits issued by the Genesee County Health Department, including a copy of the "letter of intent" provided to Genesee County.
6. Insurance Coverage:
 - a) Proof of General Comprehensive Liability policy with limits of no less than \$2 million Combined Single Limit Coverage issued by an insurer licensed to do business in the State of Michigan and which names the City as an additional injured.
 - b) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than \$1 million issued by an insurer licensed to do business in the State of Michigan.

Fees

All vendors receiving a permit under this ordinance shall pay the monthly fee as set from time to time by the City Council. There shall be no proration of fees. Fees are not refundable once a permit has been issued by the City Clerk.

Regulations

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

1. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within the areas of the City where the permit holder has not been authorized to operate. The City Council shall by resolution identify those streets and public areas where parking by mobile food vehicles is permitted.
2. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food shall be prepared, sold, or displayed outside of mobile food vehicles.
3. 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 is allowed.
4. Mobile Food Vendors shall comply with the City's Noise Ordinance, Sign Ordinance and all other City Ordinances.

5. Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.
6. 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.
7. A vendor shall not operate a mobile food vehicle within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.
8. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a permit has been obtained to allow for such use.
9. Any power required for the mobile food vehicle located on public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. All power sources must be self-contained. No power or cable equipment shall be extended at or across any City street, alley or sidewalk.
10. A mobile food vendor may only operate the follow hours:
 9:00 AM – 9:00 PM in residential areas
 7:00 AM – 11:00 PM in commercial areas
 6:00 AM – 3:00 AM on private property within a commercial area.

Other Permits

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.

Revocation

The City Clerk 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 be come null and void.

Complaints; Appeals

If a permit is denied or revoked by the City Clerk, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination. If the City Manager denial or revocation is supported the applicant may appeal the City Manager's decision to City Council.

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 City shall be subject to a civil fine of \$500 per day. Each day of violation shall constitute a separate and distinct offense.

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.

Effective Date

Pursuant to the City Charter, this ordinance shall take effect from and after 20 days from publication.

Susan J. Soderstrom
Mayor

Bethany J. Smith
City Clerk

ARTICLE VIIA. FOOD TRUCKS

Sec. 12-250. - Definitions.

Food trucks, for the purpose of this article, shall include mobile food service establishments and special transitory food units.

Local Health Department shall mean the health department having jurisdiction in the city where the mobile food service establishment is based.

Mobile food service establishment shall mean a food service establishment operating from a vehicle or trailer which is not fully equipped for full food service and, therefore, must return to a licensed commissary at least once every 24 hours for servicing and maintenance (MCL 289.6135).

Special transitory food unit shall mean a temporary food service establishment licensed to operate without 14-day limits or a mobile food establishment that is not required to return to a commissary (MCL 289.6137).

(Ord. No. 18-1613, 6-12-18)

Sec. 12-251. - License required.

It shall be unlawful for any food truck to operate in the City of Dearborn without first obtaining a food truck license from the city clerk.

(Ord. No. 18-1613, 6-12-18)

Sec. 12-252. - Application.

The application for a food truck license shall include:

- (1) The name of the establishment or business; the establishment or business address, including county of location;
- (2) The name of the establishment or business owner, the owner's address;
- (3) A copy of the food service establishment license issued by the State of Michigan, Michigan Department of Agriculture and Rural Development;
- (4) Proof of an insurance policy in an amount not less than \$100,000.00 for property damage and injuries, including injury resulting in death caused by the operation of the food truck.
- (5) Annual administrative fee in the amount of \$100.00.

(Ord. No. 18-1613, 6-12-18)

Sec. 12-253. - Renewal.

Food truck licenses must be renewed annually.

(Ord. No. 18-1613, 6-12-18)

Sec. 12-254. - Display of license.

The license issued to a food truck owner/operator by the city clerk shall be displayed whenever the food truck is open for business in the City of Dearborn.

(Ord. No. 18-1613, 6-12-18)

Sec. 12-255. - Restrictions.

- (a) Food trucks shall not impede access to the entrance or driveway of any adjacent building.
- (b) Food trucks shall not be located within 25 feet of any handicapped parking space or access ramp.
- (c) Food trucks shall not be located on any property without permission from the property owner.
- (d) All trash or debris accumulating within 25 feet of any food truck shall be collected by the operator and deposited in a trash container. All food truck operators must provide trash receptacles adjacent to or as a part of their truck.
- (e) No food truck operator shall sound any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract public attention.
- (f) No food truck operator shall conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.

(Ord. No. 18-1613, 6-12-18)

Sec. 12-256. - Suspension or revocation of license.

Any license issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for the license.
- (2) Fraud or misrepresentation in the course of conducting business.
- (3) Conducting the business contrary to the conditions of the license.
- (4) Conducting the business of vending in such manner as to create a public nuisance or constitute a danger to the public health, safety and welfare.
- (5) Conviction of any crime involving moral turpitude while holding a vending license from the city.
- (6) Intervention by the state department of health due to uncorrected health or sanitation violations.

Upon suspension or revocation, the city shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

(Ord. No. 18-1613, 6-12-18)

Sec. 12-257 - Appeals.

Persons whose licenses under this article have been suspended or revoked may appeal by filing a written notice of appeal with the city council.

(Ord. No. 18-1613, 6-12-18)

Secs. 12-258—12-265. - Reserved.

CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official
DATE: January 19, 2022
SUBJECT: Building Department Annual Report 2021

Provided in this memo is the Building Department's 2021 Annual Year End Report. Below is a breakdown of the difference from 2020:

	2020	2021	Difference
Building Permits	969	1,109	+ 140
Electrical Permits	335	448	+ 113
Mechanical Permits	324	421	+ 97
Plumbing Permits	159	197	+ 38
Sale Permits	330	370	+ 40
Rental Certificates	84	141	+ 57
Total Permits/Certificates	2,201	2,686	+ 485
Fees Collected	\$391,001.75	\$456,848.75	+ \$65,847.00
Value of Construction	\$9,448,884.00	\$12,288,091.00	+ \$2,839,207.00
Building Inspections	1,105	1,328	+ 223
Electrical Inspections	539	618	+ 79
Mechanical/Plumbing Inspections	537	684	+ 147
Sale/Rental Inspections	875	957	+ 82
Code Enforcement Stops	1,456	1,913	+ 457
Total Inspections/Stops	4,512	5,500	+ 988

Increase in number of permits from 2020: **485**
Increase in fees collected from 2020: **\$65,847.00**
Increase in number of inspections from 2020: **988**

The increase in fees collected in 2021 and number of inspection stops in 2021 are a result of the increase in permitting activity for the year 2021.