



**CITY OF GROSSE POINTE WOODS
NOTICE OF MEETING AND AGENDA
COMMITTEE-OF-THE-WHOLE
Monday, June 06, 2022 at 7:15 PM**

*Robert E. Novitke Municipal Center - Council/Court Room
20025 Mack Plaza, Grosse Pointe Woods, MI 48236
(313) 343-2440*

Mayor Arthur W. Bryant has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, June 6, 2022 at 7:15 PM**. The meeting will be held in the Council Chambers/Municipal Court Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ACCEPTANCE OF AGENDA**
- 4. ITEMS FOR DISCUSSION**
 - A. [Vicious Dog Ordinance Amendment](#)
 - 1) [Memo 05/13/22 - City Administrator](#)
 - 2) [Proposed Ordinance Amendment](#)
 - 3) [Current Ordinance for Section 6-95](#)
 - B. [Proposed Charter Amendment to Section 8.8 - Purchase and Sale of Property](#)
 - 1) [Memo 05/20/22 - City Administrator](#)
 - 2) [Resolution Authorizing Submission of Charter Amendment Ballot Proposal to Electors](#)
 - C. [Food Truck Ordinance](#)
 - 1) [Planning Commission Minutes Excerpts 05/24/22](#)
 - 2) [Memo 05/19/22 - Building Official](#)
 - 3) [Proposed Ordinance Amendment](#)
- 5. NEW BUSINESS/PUBLIC COMMENT**
- 6. ADJOURNMENT**

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249.

cc: Council - 7	Treasurer/Comptroller	Post - 4
City Administrator	City Clerk	
City Attorney	Email Group/Media	



CITY OF GROSSE POINTE WOODS

MEMORANDUM

Date: May 13, 2022
To: Mayor and Council
From: Frank Schulte, City Administrator FS
Subject: Vicious Dog Ordinance Amendment

Administration is requesting to amend City Ordinance Section 6-95 Administrative hearings concerning *vicious dogs*.

The ordinance requires an Administrative Hearing to be held by the City Administrator "whenever a violation ticket is issued by a member of the department of public safety or the animal warden of the city which complaint alleges that a person is in possession of or is harboring a *vicious dog*" in the city.

The hearing is held to allow the City Administrator to review all documents, hear statements from the complainant, dog owner and witnesses to make an interim decision about the vicious dog prior to the court date. The decision ranges from confinement in the home to having the animal removed from the city with documentation that it has been removed until the Vicious Dog Complaint is adjudicated by the Municipal Court.

The city's Municipal Court is held three times per month. Administration feels that there is not a need to have a separate hearing and recommend they be eliminated and propose the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF GROSSE POINTE WOODS, CHAPTER 6, ANIMALS, ARTICLE II, DOGS, CATS, AND WILD ANIMALS; DIVISION 3, VICIOUS DOGS AND OTHER VICIOUS ANIMALS; TO AMEND SECTION 6-95 TO REQUIRE QUARANTINE OF AN ALLEGED VICIOUS DOG UNTIL THE NEXT AVAILABLE COURT DATE AND TO ELIMINATE A HEARING BY THE CITY ADMINISTRATOR (see attached for complete proposed ordinance)

It is Administration's recommendation to City Council to approve the proposed amendment to *City Ordinance Section 6-95* Administrative hearings concerning *vicious dogs*.

ORDINANCE # _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF GROSSE POINTE WOODS, CHAPTER 6, ANIMALS, ARTICLE II, DOGS, CATS, AND WILD ANIMALS; DIVISION 3, VICIOUS DOGS AND OTHER VICIOUS ANIMALS; TO AMEND SECTION 6-95 TO REQUIRE QUARANTINE OF AN ALLEGED VICIOUS DOG UNTIL THE NEXT AVAILABLE COURT DATE AND TO ELIMINATE A HEARING BY THE CITY ADMINISTRATOR

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Section 1. Ordinance Amendment.

Chapter 6, Animals, Article II, Dogs, Cats, and Wild Animals; Division 3, Vicious Dogs and Other Vicious Animals; Section 6-95 is hereby amended to read as follows:

Sec. 6-95. Hearings concerning vicious dogs.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning.

Municipal judge means the judge in the 32F Municipal Court in Grosse Pointe Woods.

Vicious dog means:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
- (2) Any dog which, without provocation, attacks or bites or has attacked or bitten a human being.

(b) *Quarantine pending hearing required.* Whenever a violation ticket is issued by a member of the department of public safety or the animal control officer of the city which complaint alleges that a person is in possession of or is harboring a vicious dog, the violation ticket will be issued for the person to appear at the next available Municipal Court date. Such person shall quarantine the dog at their residence until further order of the municipal judge, which means that the dog may only have access to a completely fenced rear yard with a closed gate to relieve itself and only when on a leash held by the owner, if that person is an adult, or other responsible adult.

- (c) *Violation.* Each day that the owner or person in possession of or harboring the alleged vicious dog which is required to be quarantined pending a hearing fails to confine and control the dog as set forth in (b) shall be deemed to be a separate violation of this Code, and upon conviction thereof such person shall be found guilty of a misdemeanor.

(Code 1975, §§ 8-21-1—8-21-6; Code 1997, § 6-102)

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

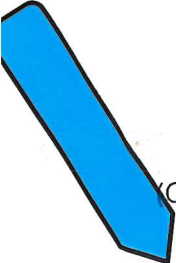
This ordinance shall be effective upon publication as required by law.

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Woods, County of Wayne, State of Michigan, at a regular meeting of the City Council duly called and held on _____ day of _____, 2022.

Paul Antolin, City Clerk

First Reading:
Second Reading:
Published in GPN:
Adopted:
Effective:
Date Posted:

- 
- (3) Any *dog* which, without provocation, seriously injures or kills another *dog* or domestic animal.

(Code 1975, § 8-11-9; Code 1997, § 6-101)

Sec. 6-95. - Administrative hearings concerning *vicious dogs*.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning.

Administrative hearing officer means the city administrator or the acting city administrator.

Vicious dog means:

- (1) Any *dog* with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
 - (2) Any *dog* which, without provocation, attacks or bites or has attacked or bitten a human being.
- (b) *Hearing required.* Whenever a violation ticket is issued by a member of the department of public safety or the animal warden of the city which complaint alleges that a person is in possession of or is harboring a vicious *dog*, such person shall also be given a notice of administrative hearing, which notice shall contain a date and time for an administrative hearing whereat the administrative hearing officer will make a determination whether such animal meets the definition of a vicious *dog* and whether or not the animal shall be removed from the city pending the adjudication of the complaint by the court. The notice of hearing shall establish a hearing date not later than three working days from and after the date of the issuance of the complaint alleging the harboring or possession of a vicious *dog* and notify the person of the administrative hearing fee as set by council resolution from time to time. The fee shall be paid to the municipal court as court costs. The hearing date may be adjourned by the administrative hearing officer at the request of the party to whom the violation ticket was issued, but such adjournment shall not be for a period longer than five working days.
 - (c) *Hearing procedure.*
 - (1)

At the administrative hearing, the administrative hearing officer shall receive and review any reports of the public safety department concerning the events preceding the issuance of the complaint of possessing or harboring a vicious *dog*, and shall hear and consider any statement of the complainant in such matter or any witnesses to such events and any comments or statement of the owner or person alleged to be in possession or harboring the *dog* involved in the complaint.

- (2) The administrative hearing officer shall determine, based upon information received at the administrative hearing, the following:
 - a. The name of the owner or person in possession of or harboring the alleged vicious *dog*.
 - b. Whether such *dog* did or does meet the provisions of the definition of vicious *dog* contained in subsection (a) of this section.
- (d) *Determination.* After conducting the hearing provided for in subsection (b) of this section, the hearing officer shall prepare a written report of his findings of fact and conclusions as to whether the *dog* involved does in fact meet the definition of a vicious *dog*.
- (e) *Order to remove dog from city.* If the conclusion of the administrative hearing officer is that the *dog* is a vicious *dog* as defined in subsection (a) of this section, the administrative hearing officer may order that the owner or person harboring such *dog* shall cause such *dog* to be removed from the city and remain outside of the city until the original vicious *dog* complaint is adjudicated by the municipal court. A copy of the administrative hearing officer's order that the *dog* shall be removed from the city and remain outside of the city pending the adjudication of the court complaint shall be personally delivered and served upon the person found to be the owner of the *dog* or person in possession or harboring such *dog*. The order shall provide that the owner or person in possession of or harboring such *dog* shall have the *dog* removed from the city within 24 hours of receipt of such notice.
- (f) *Failure to abide by order of hearing officer.* Should the owner or person in possession or harboring such *dog* determined to be a vicious *dog*, after receiving the order of the administrative hearing officer directing that such *dog* be removed from the city and remain outside of the city until the court has adjudicated the original complaint that such *dog* is a vicious *dog*, fail to abide by such order, such person shall be deemed to be in violation of the provisions of this Code and may be proceeded against for such violation.
- (g)

Violation. Each day that the owner or person in possession of or harboring such vicious *dog* which has been ordered to be removed from the city fails to remove such *dog* from the city shall be deemed to be a separate violation of this Code, and upon conviction thereof such person shall be found guilty of a misdemeanor.

(Code 1975, §§ 8-21-1—8-21-6; Code 1997, § 6-102)

Sec. 6-96. - State law.



Nothing in this division prevents the city from pursuing dangerous animal proceedings under state law.



CITY OF GROSSE POINTE WOODS

MEMORANDUM

Date: May 20, 2022

To: Mayor and Council

From: Frank Schulte, City Administrator *FS.*

Subject: City Charter Proposed Amendment to Section 8.8 – Purchase and Sale of Property

The last time City Charter Section 8.8 – Purchase and Sale of Property purchasing threshold was amended was by a vote of the residents 33 years ago (1989).

With the current purchasing threshold of \$5,000.00 requirement, it has become very difficult for city departments to efficiently complete purchases, repair city equipment, and maintain city buildings and grounds.

Coordinating with contractors and receiving quotes can sometimes takes months to get projects accomplished. For example, a portion of the Anita parking lot brick wall fell over in the spring 2021. After meeting with three contractors, receiving quotes, obtaining council approval and scheduling the repair work the project took six months to complete. The total cost of the wall repair was \$8,000.00.

Changing purchase requirements for Council approval from \$5,000.00 to \$10,000.00 would adjust for inflation and minimize requests to Council. It would also enable City Administration to complete projects, make purchases and maintain the building and grounds more efficiently.

Other city's that recently approved an increase to their purchasing threshold amounts to \$10,000 or greater are; Grosse Pointe Farms (\$11,000); Grosse Pointe Shores (\$10,000); Mt Clemens (\$15,000); Saint Clair Shores (\$15,000); Eastpointe (\$15,000).

In addition, the proposed Charter amendment would give City Council the authority to change future purchasing threshold by resolution.

It is Administration's recommendation that the Committee-of-the-Whole recommend to City Council to approve the proposed City Charter Amendment-Proposed Ballot Language to Section 8.8 – Purchase and Sale of Property from \$5,000.00 to \$10,000.00 and, furthermore, request the State of Michigan Attorney General by Resolution to recommend the amendment change to the Governor to be placed on the City of Grosse Pointe Woods November 8, 2022 ballot.

Attachments

CITY OF GROSSE POINTE WOODS

WAYNE COUNTY, MICHIGAN

**RESOLUTION AUTHORIZING SUBMISSION OF CHARTER AMENDMENT
BALLOT PROPOSAL TO ELECTORS**

At a regular meeting of the City Council of the City of Grosse Pointe Woods, Wayne County, Michigan, held on the ____ day of _____, 2022, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____:

WHEREAS, pursuant to the City Charter, the City of Grosse Pointe Woods has authority to amend the City Charter in a manner provided by statute; and

WHEREAS, the Home Rule City Act, Public Act 279 of 1909, as amended, provides that an amendment to the City Charter may be proposed by the legislative body of the City on three fifths (3/5) vote of the seated members; and

WHEREAS, the City Council has determined that it is appropriate to submit a Charter Amendment to the electors of the City at the regular election to be held on November 8, 2022.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Grosse Pointe Woods City Council that the following amendment to the City Charter be placed on the ballot for the election to be held in the City of Grosse Pointe Woods on November 8, 2022:

1. The Ballot language for the Charter Amendment Proposal shall be as follows:

CHARTER AMENDMENT PROPOSAL

City of Grosse Pointe Woods

A Charter amendment approved in 1989 provides that sales, purchases, and contracts of more than five thousand dollars (\$5,000.00) shall be approved by City Council with competitive bidding required above that amount unless waived by the city council. To adjust for inflation and to reduce administrative costs, it is proposed that Section 8.8 of the Charter be amended to increase from five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00), this threshold amount for such approvals by council, with future adjustments to this amount to be determined according to procedure established by ordinance.

Shall this amendment be adopted?

Yes [] No []

2. **Statement of the Current Wording of the Section to be Amended.** The existing language of Section 8.8 currently reads as follows:

Section 8.8 of the City Charter

Section 8.8. - Purchase and Sale of Property.

The City Administrator shall be responsible for the purchase and sale of all city personal property. Except when no advantage to the city would result, competitive prices shall be obtained for all purchases of personal property and public improvements contracts, and the purchase made or contract awarded according to procedure established by ordinance. All purchases and sales of personal property and all public improvement contracts shall be evidenced by written contract or purchase order. In such sales or purchase or contracts, in excess of five thousand dollars (\$5,000.00),[:]

(1) the sale or purchase shall be approved by the Council,

(2) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City Administrator, determines that no advantage to the city would result from competitive bidding, and

(3) the requirements of [Section 13.6](#) shall be complied with. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

The purchase and sale of all city property shall be subject to the provisions of [Section 5.9](#).

Detailed purchasing, sale and contract procedure shall be established by ordinance.

The purchase or sale of real property by the city shall be authorized by appropriate action of the Council, provided that the city may not sell any park, except where such park is not required under an official master plan of the city, cemetery, or any part thereof, unless approved by a majority of the electors voting thereon at any general or special election.

3. **Redline of Current Wording for Section 8.8.** Existing Section 8.8 of the City Charter showing the proposed amendment in redline shall read:

Section 8.8. - Purchase and Sale of Property.

The City Administrator shall be responsible for the purchase and sale of all city personal property. Except when no advantage to the city would result, competitive prices shall be obtained for all purchases of personal property and public improvements contracts, and the purchase made or contract awarded according to procedure established

by ordinance. All purchases and sales of personal property and all public improvement contracts shall be evidenced by written contract or purchase order. In such sales or purchase or contracts, in excess of ~~five~~ **ten** thousand dollars (~~\$5,000.00~~) (**\$10,000**), with **future adjustments to this amount to be determined according to procedure established by ordinance[:]**

(1) the sale or purchase shall be approved by the Council,

(2) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City Administrator, determines that no advantage to the city would result from competitive bidding, and

(3) the requirements of [Section 13.6](#) shall be complied with. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

The purchase and sale of all city property shall be subject to the provisions of [Section 5.9](#).

Detailed purchasing, sale and contract procedure shall be established by ordinance.

The purchase or sale of real property by the city shall be authorized by appropriate action of the Council, provided that the city may not sell any park, except where such park is not required under an official master plan of the city, cemetery, or any part thereof, unless approved by a majority of the electors voting thereon at any general or special election.

* * *

6. **Wording if the Amendment is Approved.** That upon adoption of the proposed amendments, the affected provision of the City Charter would read as follows:

Section 8.8. - Purchase and Sale of Property.

The City Administrator shall be responsible for the purchase and sale of all city personal property. Except when no advantage to the city would result, competitive prices shall be obtained for all purchases of personal property and public improvements contracts, and the purchase made or contract awarded according to procedure established by ordinance. All purchases and sales of personal property and all public improvement contracts shall be evidenced by written contract or purchase order. In such sales or purchase or contracts, in excess of ten thousand dollars (\$10,000.00), with future adjustments with future adjustments to this amount to be determined according to procedure established by ordinance,[:]

(1) the sale or purchase shall be approved by the Council,

(2) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City Administrator, determines that no advantage to the city would result from competitive bidding, and

(3) the requirements of [Section 13.6](#) shall be complied with. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

The purchase and sale of all city property shall be subject to the provisions of Section 5.9.

Detailed purchasing, sale and contract procedure shall be established by ordinance.

The purchase or sale of real property by the city shall be authorized by appropriate action of the Council, provided that the city may not sell any park, except where such park is not required under an official master plan of the city, cemetery, or any part thereof, unless approved by a majority of the electors voting thereon at any general or special election.

7. The City Attorney shall transmit a copy of the proposed amendment to the Governor of the State of Michigan for approval and transmit a copy of such proposed amendment to the Attorney General of the State of Michigan for approval, as required by law.

8. The City Clerk is hereby directed to do all things necessary to provide for the submission of the aforesaid proposition to the electors of the City at the regular election on November 8, 2022.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

The resolution declared _____.

Paul Antolin, City Clerk

CERTIFICATION

I, Paul Antolin, Clerk of the City of Grosse Pointe Woods, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council on _____, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and will be, or have been, made available as required by said Act.

Paul Antolin, City Clerk

PLANNING COMMISSION EXCERPT
PENDING MINUTES 5-24-22

MOTION by Gerhart, seconded by Bailey to refer the final draft of the Mobile Food Vending ordinance to the June 6, 2022 COW Agenda.

Motion carried by the following vote:

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

Discussion ensued between City Attorney Tim Tomlinson, Building Official Tutag, Planning Commissioners, and Council Representative Tom Vaughn regarding the recommended changes brought forward at tonight’s meeting to the final draft of Mobile Food Vending ordinance. City Attorney Tim Tomlinson stated he would make the revisions and send it over to the Building Department for distribution to the COW.

MOTION by Gerhart, seconded by O’Keefe, for continued support for the recommended changes to the Mobile Food Vending ordinance and the final draft as revised be referred to the June 6, 2022 COW Agenda.

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

MOTION by Gerhart, seconded by Bailey, that the above motions be immediately certified.

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

CITY OF GROSSE POINTE WOODS

Building Department

MEMORANDUM

DATE: May 19, 2022
TO: Planning Commission
FROM: Gene Tutag, Building Official
SUBJECT: Mobile Food Vending Ordinance Draft

At the April 26, 2022 Planning Commission meeting, you all received the amended draft of the Mobile Food Vending Ordinance (dated 04/26/22). The following week, Josie and I met with City Attorney Tim Tomlinson where we discussed the comments made by commissioners. Please find the Final Draft (dated 05/19/22) of the Mobile Food Vending Ordinance included in your packets.

City Attorney Tim Tomlinson will be present at the 05/24/22 Planning Commission meeting to answer any questions you may have.

Thank you,
Gene Tutag
Building Official

**CITY OF GROSSE POINTE WOODS
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GROSSE POINTE WOODS, *CHAPTER 10 – BUSINESSES*, BY ADDING *ARTICLE XVII – MOBILE FOOD VENDING*, TO REGULATE MOBILE FOOD VENDING, PROVIDE DEFINITIONS, PERMITTING, APPLICATION PROCESS, FEES, PERMIT EXPIRATION, LIMITATIONS ON PERMIT TRANSFER, EXCEPTIONS, LOCATIONS, HOURS OF OPERATION, APPEALS, VIOLATIONS AND TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Section 1. The City of Grosse Pointe Woods Code of Ordinances, *Chapter 10 – Businesses*, is hereby amended by adding *Article XVII – Mobile Food Vending*, as follows:

ARTICLE XVII - MOBILE FOOD VENDING

Sec. 10-640 - 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, cart, 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.

Special Event means the following:

- (1) store opening
- (2) fair

- (3) church function
- (4) community sports event
- (5) block party
- (6) sidewalk sale
- (7) Other event as determined by the City Administrator or resolution of City Council.

Vendor shall mean any entity, person or group of persons engaged in the business of mobile food vending. If more than one person or entity is operating a single stand, cart or other means of conveyance, then vendor shall mean all persons or entities operating such single stand, cart or other means of conveyance.

Sec. 10-641 - 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. 10-642 - Application.

A person desiring to operate a mobile food vending unit shall make written application for a permit to the City Clerk. Mobile food vending shall only be permitted at a special event. 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 location of operation, dates of operation (rain date, if applicable), 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 Wayne County and the State of Michigan.
- (5) Insurance coverage:
 - (a) Proof of Commercial Liability Insurance policy with limits of no less than One Million Dollars (\$1,000,000) 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 One Million Dollars (\$1,000,000) 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 of the City Council 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. 10-643 - Review of Application and Issuance.

- (1) Upon receipt of an application, the original shall be forwarded to the City Clerk, the Public Safety Department, the Building Department and any other necessary City departments 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 date(s) and description of the special event.

Sec. 10-644 - Fees.

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

Sec. 10-645 - 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. 10-646 - Exceptions.

A permit issued under this Article shall not be required for the following:

- (1) any school-sponsored mobile food vending unit operating on school property.
- (2) any City sponsored event.
- (3) a private party so long as the mobile food vending unit is wholly situated within the owner's private property, and not within any public street, right-of-way or public place.
- (4) restaurants who operate a permanent business physically present in the City while mobile vending on their own private property with their own mobile food vending unit, but shall not be permitted to subcontract or hire such vendors in an attempt to evade this Article.
- (5) mobile food vending that occurs entirely indoors, located inside a building.

Groups and individuals who are exempt under this Article from permitting must still receive written permission from the City before operating on public property under the control or jurisdiction of the City or Wayne County.

Sec. 10-647 - Locations.

- (1) Appropriate locations for mobile food vending units shall be limited to (i) private property with a written agreement signed by the property owner, and (ii) public areas, including on-street parking, parking lots or parks, with written permission from the City and/or Wayne County.
- (2) 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.

Sec. 10-648 - Hours of Operation.

- (1) Mobile food vending units shall be permitted to operate between 9am and 9pm unless for a private party.
- (2) A mobile food vending unit shall not be parked overnight on public or private property, or left unattended and unsecured at any time food is in the vehicle or at the location. 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. 10-649 - 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 the Building Department 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. 10-650 - Revocation.

- (1) Permits issued under the provisions of this Article may be revoked by the City Administrator or Building Director 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, health safety officer, City Administrator or Building Director 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. 10-651 - Appeals.

Any person aggrieved by the action of the City Clerk, law enforcement, health safety officer, City Administrator or Building Director 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. 10-652 - 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 and publication by the City of Grosse Pointe Woods City Council.

AYES _____

NAYS _____

ABSENT _____

Arthur W. Bryant, Mayor

Attested:

Paul P. Antolin, City Clerk

CERTIFICATION OF CLERK

I, Paul P. Antolin, City Clerk of the City of Grosse Pointe Woods, Wayne County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Grosse Pointe Woods, assembled in regular session on _____, 2022. Said Ordinance was posted in the following places:

Notice of said posting was published in _____ (*Grosse Pointe News*) on _____, 2022.

Paul P. Antolin, City Clerk

First Reading: _____

Proposed Second Reading: _____

Published by Title: _____

Adopted: _____

Effective: _____

Published Final: _____