

**CITY OF EASTPOINTE
COUNTY OF MACOMB
STATE OF MICHIGAN**

ORDINANCE NO. 22-1222

**AN ORDINANCE TO AMEND CHAPTER 30, PEDDLERS, SOLICITORS AND
HANDBILL DISTRIBUTORS, OF THE CODIFIED ORDINANCES OF THE CITY OF
EASTPOINTE AND ADD A NEW ARTICLE VI, MOBILE FOOD BUSINESSES**

The City of Eastpointe ordains:

Section 1. Mobile Food Businesses.

Chapter 30 of the Codified Ordinances of the City of Eastpointe is amended and a new Article VI, Sections 30-170 through 30-175, of the Codified Ordinances of the City of Eastpointe is hereby enacted as follows:

ARTICLE VI - MOBILE FOOD BUSINESSES

Sec. 30-170. Short title.

This article shall be known and cited as the “City of Eastpointe Mobile Food Business Ordinance.”

Sec. 30-171. 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:

Brick-and-mortar means a physical presence of an organization or business in a building or other structure.

Mobile food business means a kitchen within a licensed and operable motor vehicle or trailer whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

Special Transitory Food Unit (STFU) means a moveable food service establishment that is licensed to operate throughout the state and is not required to return to a commissary. STFU's are required to request and pay for two (2) operational inspections every license year. STFU's are also required to give written notification, to the appropriate local health department, of their intent to

MOBILE FOOD BUSINESSES

operate in their jurisdiction. 1

Temporary Food means a food service establishment that operates at a fixed location for a temporary period not to exceed 14 consecutive days. 2

Sec. 30-172. Application of article.

The provisions of this article apply to mobile food businesses engaged in the business of cooking, preparing, and distributing food or beverages with or without charge on public or private property. This article does not apply to vehicles which dispense food by moving from place to place and are stationary for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts.

Sec. 30-173. Permit-required.

- (a) It is unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the city a mobile food business without having obtained a permit from the Building Department for that purpose.
- (b) A person desiring to operate a mobile food business shall make written application for such permit to the Building Department. The application for a permit shall be on forms provided by the Building Department. Mobile food businesses must pass an annual inspection from the fire department and must provide written approval from the Fire Marshal.
- (c) An annual fee as set from time to time by the city council is required with the application. Mobile food business permit fees are not required for City of Eastpointe brick and mortar businesses with a valid business license.
- (d) A mobile food business permit is required annually. Permits are valid January 1 to December 31 of each year.
- (e) A permit issued under this article shall not be transferable from person to person.
- (f) A permit is valid for one business only and shall not be transferred between businesses.

Sec. 30-174. Rules and regulations.

- (a) Permitted areas of operation. Mobile food business vendors, Special Transitory

1 STFUs must be licensed by the Macomb County Health Department.

2 Temporary Food establishments must be licensed by the Macomb County Health Department.

Food Units, and Temporary Food establishments are permitted in all districts subject to a permit issued by the city or county.

- (b) Business hours, restrictions. No vendor shall conduct business before the hour of 7:00 a.m. or after the hour of 11:00 p.m. or as otherwise restricted on a by-location basis by resolution of the city council. If the vendor has private property owner permission, they may operate between 7:00 a.m. and 3:00 a.m.
- (c) Private property. Mobile food vendors conducting business on private property must obtain approval from the property owner. Failure to comply may result in applicable penalties pursuant to city ordinances, including trespass.
- (d) Traffic. Mobile food vendors:
 - (1) shall not obstruct the use of any street intersection or pedestrian crosswalk;
 - (2) shall not impede the ingress or egress of any driveway;
 - (3) shall not obstruct pedestrian space;
 - (4) shall not impede or obstruct the ingress or egress of any building, or
 - (5) shall not impede or obstruct any fire lane.
 - (6) shall maintain a 15-foot setback from all fire hydrants.
- (e) Signage. Mobile food vendors may have one portable sign that is 6 square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within 5 feet of the unit. Any and all signage must be contained to the property on which the vendor is operating. At no time shall any signage be placed in the public right-of-way.
- (f) Waste. Mobile food vendors must 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. Such receptacle shall be located no more than ten feet from the mobile food vendor. No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks, streets or other public places, or municipal waste receptacles located within any public sidewalk or right-of-way. Failure to maintain a site free of waste may be grounds for revocation of current vendor permits or withholding the issuance of new permits.
- (g) Lights. No flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (h) Noise. No loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard are permitted. The decibel levels for any generator(s) used shall not exceed 80 dBA.

MOBILE FOOD BUSINESSES

- (i) **Parking.** The issuance of a mobile food business permit does not grant or entitle the vendor to the exclusive use of any service route or parking space to the permit holder. When parked on public streets, a mobile food business shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles. Mobile food vendor vehicles shall not be left unattended while on a public street, highway, or public parking space. Any mobile vending unit shall be removed from the public street, highway, or public parking space during the hours of non-operation.
- (j) **Merchandise sales.** The retail sale of merchandise related to the food truck may be permitted as an accessory to the primary sales of food.
- (k) **Alcohol sales.** The sale of alcoholic beverages shall only be permitted when licensed in accordance with city and state regulations.

Sec. 30-175. Enforcement.

- (a) **Violation; fines.** Any permit holder operating a mobile food business in violation of any provision of this article, or any rules and regulations promulgated by the city is responsible for a municipal civil infraction and is subject to a civil fine of \$250.00 per day. Each day of violation shall constitute a separate and distinct offense.
- (b) **Permit is revocable.** Once a permit has been issued, it may be revoked, suspended, or not renewed by the city for failure to comply with the provisions of this article and any rules or regulations promulgated by the city.

Section 2. Severability. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Repealer. All 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 4. Publication. The Clerk shall publish this Ordinance within ten days in a newspaper printed and circulating within the City of general circulation.

Section 5. Effective Date. This Ordinance shall become effective ten days after date of adoption by the City Council.

CERTIFICATION

We, Monique Owens, Mayor, and Mariah Walton, Acting City Manager/City Clerk, for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance No. 22-1222 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, April 19, 2022, in the City Hall.



Monique Owens, Mayor



Mariah Walton, Acting City Manager/City Clerk

MOBILE FOOD BUSINESSES