

**VILLAGE OF ROSCOMMON
MOBILE FOOD UNIT LICENSING ORDINANCE
Ordinance No. 100 of 2023**

AN ORDINANCE PURSUANT TO ACT 3 OF THE PUBLIC ACTS OF
1895, AS AMENDED, TO LICENSE AND REGULATE MOBILE FOOD
UNITS WITHIN THE VILLAGE OF ROSCOMMON AND TO PROVIDE
PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF ROSCOMMON ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Village of Roscommon Mobile Food Unit Licensing Ordinance.

Section 2. Definitions. As used in this Ordinance,

"Mobile food unit" means any motor vehicle or trailer from which a vendor operates a mobile food vending business.

"Mobile food vending" means serving or offering for sale food and/or beverages from a mobile food 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, such as a tee shirt that bears the name of the person engaged in the mobile food vending business.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Operate" mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food unit is open for business.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.

"Vendor" shall mean any person(s) engaged in the business of mobile food vending.

"Village" means the Village of Roscommon.

“Village Manager” means the Manager of the Village.

Section 3. License Required.

Except as provided in Section 9 below, no person shall operate a mobile food unit within the Village without first obtaining a license from the Village Manager pursuant to the requirements of this Ordinance.

Section 4. Application and Fee Requirements.

A person seeking a license under this Ordinance shall submit a complete application to the Village Manager and pay the required fee, which shall be determined from time to time by resolution of the Village Council. The application shall include all of the following information:

- (a). Name and address (legal and local, if applicable) of the applicant.
- (b). The address at which the mobile food unit will be operated.
- (c). If the mobile food unit will be operated on private property, a written statement from the owner of the property at which the mobile food unit will be operated authorizing the placement of the mobile food unit on the owner's property.
- (d). A brief description of the nature of the business and the food and ancillary merchandise to be sold.
- (e). If employed by another person, the name and address of the employer.
- (f). The length of time for which the mobile food unit will be operated.
- (g). The description of the motor vehicle and/or trailer that constitutes the mobile food unit, including the state issued license plate number of the motor vehicle and/or trailer.
- (h). A copy of the license or permit from the local Health Department authorizing the operation of the mobile food unit within Roscommon County.
- (i). A copy of an active commercial general liability insurance policy with no exclusions pertaining to the operation of the mobile food unit in the sum of not less than ONE MILLION and 00/100 DOLLARS (\$1,000,000.00) for damages relating to any one person or for damages relating to any one occurrence. This insurance policy shall name the Village as an additional named insured and shall contain a provision that the policy cannot be terminated, canceled, or substantially altered without thirty (30) days written notice to the Village.

- (j). A statement whether the applicant has made an application for a similar mobile food unit license or permit with any municipality and/or Health Department within the State of Michigan and the disposition of those other license or permit applications.
- (k). A written statement signed by the applicant concerning whether he or she has ever been found responsible for a violation any ordinance of any municipality within the past five (5) years.
- (l). A complete set of fingerprints taken from the applicant by or under the direction of any state, county, or local police agency.

Section 5. Investigation.

Upon receipt of an administratively complete application, the Village Manager shall review and consider the application to determine compliance with this Ordinance. If the applicant fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete and may be denied by the Village Manager on that basis.

Section 6. Standards for Approval.

The Village Manager shall approve, or approve with conditions, an application for a mobile food unit license only upon a finding that the applicant complies with all of the following applicable standards:

- (a). The mobile food unit shall be parked on a local street within the Village in compliance with both of the following:
 - (1). The mobile food unit shall be parked along the curb or to the farthest right-hand side of the street right-of-way with the front end facing the flow of traffic.
 - (2). The mobile food unit shall not be parked on a public or private street so that it blocks ingress or egress from a public or private driveway.
 - (3). The mobile food unit shall not be parked near the intersection of public or private streets or near driveways entering onto a public or private street so as to obstruct the vision of drivers.
- (b). The mobile food unit shall not be parked within the right-of-way of a state highway within the Village, unless that state highway is temporarily closed in conjunction with a special event sanctioned by the Village.

- (c). If the mobile food unit will be parked on private property or on property owned by the Village, this property shall be located within a zoning district authorizing this land use.
- (d). The mobile food unit shall meet applicable requirements of the local Health Department and shall have all required permits from the local Health Department to operate the mobile food unit.
- (e). Any signs associated with the mobile food unit shall comply with all applicable requirements of the Village zoning ordinance.
- (f). The mobile food unit shall have a minimum of one (1) trash receptacle with a minimum capacity of thirty (30) gallons available for use by its customers. Trash shall be removed from the mobile food unit daily or more frequently as needed.
- (g). The operator of a mobile food unit shall have in effect during the time the mobile food unit will be in operation an active commercial general liability insurance policy with no exclusions pertaining to the operation of the mobile food unit in the sum of not less than ONE MILLION and 00/100 DOLLARS (\$1,000,000.00) for damages relating to any one person or for damages relating to any one occurrence. This insurance policy shall name the Village as an additional named insured and shall contain a provision that the policy cannot be terminated, canceled, or substantially altered without thirty (30) days written notice to the Village.
- (h). The operator of a mobile food unit shall not have been denied a licence or permit to operate a similar mobile food unit by any municipality and/or Health Department within the State of Michigan within the past three (3) years.
- (i). The operator of a mobile food unit shall not have been convicted of any felony or any misdemeanor dealing with fraud, theft, or dishonesty or found responsible for violating any municipal ordinance within the past five (5) years.

Section 7. Duration of License; Re-application.

A license issued under this Ordinance shall remain in effect for a period of one (1) year from the date of issuance. A person who desires to renew a license issued under this Ordinance shall apply for such renewal following the same procedures required for an initial license. Provided, however, the Village Council may from time to time by resolution establish a renewal fee that is less than the fee for the initial application.

Section 8. Regulations.

An operator of a mobile food unit shall comply with all of the following regulations during the operation of the mobile food unit:

- (a). The operator shall display in a conspicuous location within the mobile food unit the license issued under this Ordinance, all permits issued by the local Health Department for the mobile food unit, and the current certificate of insurance for the mobile food unit.
- (b). The operator, or any person acting on behalf of the operator, shall not shout, blow a horn, ring a bell or use any sound device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where the sound because of its volume, frequency, or shrillness annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.
- (c). An operator, or any person acting on behalf of an operator, shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.
- (d). An operator shall not park a mobile food unit on a public or private street in violation of Section 6(a) and/or Section 6(b) of this Ordinance.

Section 9. Persons Exempt from Licence Requirement.

Section 3 of this Ordinance shall not be applicable to any of the following:

- (a). To farmers selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated.
- (b). To any person when engaged in the sale of food under the direct supervision of any school or recognized charitable or religious organization.
- (c). To any person when engaged in the sale of food in conjunction with a special event sanctioned by the Village.

Section 10. Conditions.

The Village Manager may impose reasonable conditions on a license issued under this Ordinance which are reasonably necessary to ensure compliance with the standards for approval provided in Section 6 or the regulations provided in Section 8.

Section 11. Nuisance

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 12. Violations and Penalties.

- (a). Any person who violates any provision of this Ordinance, except Section 8(c), shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
 - (1). For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
 - (2). For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
 - (3). For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b). Any person who knowingly violates Section 8(c) of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (c). Each day this Ordinance is violated shall be considered a separate violation.

Section 13. Enforcement Officials.

The Village Manager and deputies of the Roscommon County Sheriff are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 14. Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 15. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 16. Effective Date.

This Ordinance shall become effective twenty (20) days after being enacted.

Ordinance No. 100 was adopted on the 13th day of April, 2023,
by the Roscommon Village Council as follows:

Motion by: RUPP

Seconded by: COOK

Yeas: COOK, FISHEL, RUPP, MILLER

Nays: MEDINA

Absent: LEIDERMAN

Frances Dawson
Frances Dawson, Clerk

Michael Miller
Michael Miller, President

I certify that this is a true copy of Ordinance No. 100 that was adopted at a regular
meeting of the Roscommon Village Council on April 13, 2023
and published in the Houghton Lake Reporter on April 19,
2023.

Dated: 4-18-2023

Frances Dawson
Frances Dawson, Clerk