

**ROBINSON TOWNSHIP
ORDINANCE NO. 2024-09-02**

FIRST RESTATED MOBILE FOOD BUSINESS ORDINANCE

AN ORDINANCE TO RESTATE THE AUTHORIZATION AND REGULATION OF THE OPERATION OF MOBILE FOOD BUSINESSES WITHIN THE TOWNSHIP; TO PROVIDE FOR PENALTIES FOR VIOLATORS; AND TO PROVIDE FOR ITS EFFECTIVE DATE.

THE TOWNSHIP OF ROBINSON, OTTAWA COUNTY, MICHIGAN ORDAINS:

Section 1. 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 Michigan Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as tee shirts that bear 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 served or offered for sale.
- (c) *Mobile food vendor court* shall mean any combination of more than one mobile food vending unit, but not more than five, operating on a single parcel of property.
- (d) *Operate* shall mean all activities associated with the conduct of the business of a mobile food vending unit, including set up and take down and hours of operation.
- (e) *Township* means the Township of Robinson, Ottawa County.
- (f) *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.

Section 2. Intent.

In the interest of encouraging vendors who add to the vibrancy and desirability of the Township, while providing a framework under which vendors operate, this Ordinance is established.

Section 3. Permit required.

No vendor shall engage in mobile food vending without a permit from the Zoning Administrator or designee authorizing such vending. The Zoning Administrator shall prescribe the form of such permits and the application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit shall be permitted unless it meets the definition of mobile food vending.

If a vendor is denied a permit by the Zoning Administrator or designee, that denial may be appealed by the vendor to the Township Board.

Section 4. Permitted areas of operation.

Mobile food vending units are permitted in the Township only in the following zoning districts: residential zoning districts, but only in parking lots for non-residential uses; as well as A-1 Agricultural, A-2 Agricultural Service, B-1 General Business, B-2 General Business, I-1 Industrial, and I-2 Industrial Zoning Districts. A mobile food vendor shall not operate within any public right-of-way.

Section 5. Exemptions.

- (a) The owner or operator of a lawful principal use or business which is engaged in the final preparation of food for human consumption and which is located in a permitted area of mobile food vending operations shall not be required to obtain a mobile food vending permit in order to sell its own prepared food through the operation of a mobile food vending unit on the same parcel as the principal use or business.
- (b) A permit shall not be required for any mobile food vending unit conducted under the direct supervision of any school or charitable or religious organization recognized and approved by the Internal Revenue Service, upon premises owned by the school or charitable or religious organization.
- (c) A permit shall not be required for the outdoor sale of products such as Girl Scout Cookies or lemonade stands or similar items sold by minors.
- (d) A permit shall not be required for the owner of real property in the Township, which is not accessible to the general public, who wishes to have a mobile food vending unit on that private real property solely for the benefit of the owner and the owner's guests, if the Zoning Administrator confirms in writing that this exemption applies.

Section 6. Duration; non-transferability.

Permits may be issued by the Zoning Administrator for no more than a total of 180 days in the same calendar year. Any permit issued under this Ordinance is not transferable to any other person.

Section 7. Application.

- (a) Vendors desiring to engage in mobile food vending shall make a written application to the Zoning Administrator for a permit under this Ordinance. There are two types of mobile food vending permits—a single mobile food vending unit permit and a mobile food vendor court permit.
- (b) Such application shall contain, at a minimum, the following requirements:
 - (1) Applicant's name, home address, phone number, and email address;
 - (2) Brief description of the nature of the business;
 - (3) Parcel number and address of the proposed vending operation, along with the property owner's name, address, phone number, and email address;
 - (4) Written statement of permission by specified property owner to conduct mobile food vending;
 - (5) Dates and hours of proposed vending operation;
 - (6) Proof of compliance with the requirements of the Ottawa County Health Department;
 - (7) Information regarding plans for electrical access, wastewater disposal, and trash disposal;
 - (8) Proof of comprehensive liability insurance with limits of at least \$1,000,000 combined single coverage with the Township named as an additional insured;
 - (9) An accurate site plan sketch with dimensions which illustrates the lot lines and the layout of the site including access drives, parking, location of tables, tents, electrical apparatus, signs, and other items planned to conduct business (the sketch shall also illustrate any existing buildings or uses on the lot and how the mobile food vending operation will function in conjunction with the existing uses).

- (10) If the application is for a mobile food vendor court permit, items (4) through (9) must be addressed for each mobile food vending unit.

Section 8. Fees and deposits.

An application for a permit under this Ordinance shall be accompanied by a permit fee of \$100.00. Fees are non-refundable once a permit has been issued by the Zoning Administrator.

Section 9. Signs.

- (a) Each mobile food vending unit is allowed one sign that will not be attached to the mobile unit. The sign shall not exceed 24 square feet in size. The sign shall not exceed six feet in height above the grade below the sign.
- (b) The sign shall be located on the same lot as the mobile food vending unit.
- (c) The sign shall not be located in the public road right-of-way, shall not obscure the vision of motorists and pedestrians, and shall not be installed in a manner jeopardizing public safety.
- (d) The sign shall be maintained to not be a visual nuisance or a safety hazard. The sign shall have lettering, images, or pictures that are legible and neatly displayed. A sign with weathered, splintered, or broken boards, torn metal, or fabric or other materials in similar condition is prohibited, as is a spray painted sign.
- (e) Flashing and intermittently lighted signs and revolving signs are prohibited. All signs shall comply with the sign requirements of the Robinson Township Zoning Ordinance.

Section 10. 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.

Section 11. Compliance and enforcement.

Any person issued a permit under this Ordinance shall comply with the following minimum regulations.

- (a) The mobile food vending unit shall be designed and operated to avoid hazards or unsafe conditions caused by fire, electrical apparatus, tents,

seating, on-site vehicle movement, or other characteristics of the operation.

- (b) The permit shall be presented upon request to law enforcement officers or representatives of the Township or Ottawa County.
- (c) The vendor shall comply with all regulations imposed upon the permit by the Zoning Administrator.
- (d) The Zoning Administrator will review all mobile food vendor court applications based on the general characteristics of each individual lot or parcel when determining the final number of vendors to be permitted.
- (e) Upon termination or expiration of the mobile food vending operation, all signs, litter, debris, refuse, and all other material or items relating to the operation shall be removed from the site within three days.
- (f) A permit issued under the provisions of this Ordinance shall not be used by any person other than the person(s) listed on the approved application.
- (g) The Zoning Administrator may revoke any permit issued under the provisions of this Ordinance due to fraud, misrepresentation, a false statement contained in the application for the permit, a violation of the conditions of approval, or a violation of this Ordinance. Before the revocation, the Zoning Administrator shall give the vendor notice of the purported reason for the possible revocation and a reasonable opportunity to respond to that reason. Any such revocation may be appealed by the vendor to the Township Board.
- (h) It shall be the responsibility of the Ottawa County Sheriff's Department and the Township to enforce the terms of this Ordinance.

Section 12. Penalties.

A violation of any term or provision of this Ordinance is a nuisance per se. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, as amended, shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations of the Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:

- (a) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions.
- (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

The Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township, members of any law enforcement agency whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board, are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Robinson Township Municipal Ordinance Violations Bureau).

Section 13. Effective Date.

This Ordinance was approved and adopted by the Township Board of the Township of Robinson, Ottawa County, Michigan, on September 11, 2024. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.

Frank Johnson, Township Supervisor

Christine Saddler, Township Clerk

CERTIFICATE

I, Christine Saddler, the duly elected Township Clerk for the Township of Robinson, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a meeting of the Robinson Township Board held on September 11, 2024. The following members of the Township Board were present at that meeting: Frank Johnson, Bonnie Hayward, Christine Saddler and Travis Vugteveen. The following members of the Township Board were absent: Travis Bergman. The Ordinance was adopted by the Township Board with members of the Board Bonnie Hayward, Travis Vugteveen, Christine Saddler and Frand Johnson voting in favor and none members of the Board voting in opposition. A notice of adoption for the Ordinance was published in the *Grand Haven Tribune* on September 28, 2024.

Christine Saddler, Township Clerk