DRAFT FOR MOBILE FOOD VENDOR ZONING LANGUAGE:

Add to definitions:

**Mobile Food Vendor** shall mean vending, serving, or sale of food and/or beverages from a mobile vending unit which meet 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.

**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.

**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 Vender shall mean all individuals operating such single stand, cart 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.

5.04—Mobile Food Vendor Sales –Permitted with a Mobile Food Vendor Use Permit

No vendor shall engage in Mobile Food Vending without a Mobile Food Vendor permit. Standards for a special use permit, as defined in Chapter 6 of the Ordinance, will be applied. The Township Zoning Administrator shall prescribe the form of such vending 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 in Section 1.03.

5.04.01-- DURATION; NON TRANSFERABILITY

Mobile Food Vendor Permits may be issued by the Township Zoning Administrator for one (1) year from the date of issuance. Any permit issued under this Ordinance is non-transferable from Vendor to Vendor or from Mobile Food Vending Unit to Mobile Food Vending Unit.

5.04.02 -- APPLICATION

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the Township Zoning Administrator for a permit under this Ordinance. The applicant shall truthfully state, in full, all information requested by the Township Zoning Administrator and be accompanied by a fee established by resolution of the Helena Township Board. Additionally, the applicant shall provide copy of all documentation as required by the Township.

5.04.03-- FEES

An application for a permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Helena Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator. A Mobile Food Vending Unit owned by a business on the Township’s tax rolls whose normal business operations include the sale of food and/or beverages will be exempt from this fee. No one shall hire or subcontract such vendors in an attempt to evade the provision of this ordinance.

5.04.04-- REQUIREMENTS

Any Mobile Food Vending Unit:

1. Shall only operate in zoning districts Village and Commercial and requires a special use permit.

2. Shall not operate on Township owned property except as allowed under Township Ordinance 07082021, adopted by the Board of Trustees and effective August 7, 2021.

3. Shall not be allowed on public streets without written permission from the controlling authority.

4. Shall not sell, prepare or display food outside of the Mobile Food Vending Unit.

5. Shall provide adequate refuse collection receptacles in close proximity to the dispensing unit.

6. Shall not use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

7. Shall not use loud music, amplification devices or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Township.

8. May only have signage on the mobile food vending vehicle.

9. 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 street or sidewalk except in a safe manner.

10. Must comply with all applicable federal, state and county regulations.

11. Shall not represent the granting of a permit under this Ordinance as an endorsement by the Township.

(note to HT PC members based on the July meeting discussion on seating—we struck the part of allowing seating at the May meeting and Joe agreed it might cause concerns)

5.04.05-- 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, stature or administrative rule.

5.04.06-- REVOCATION

The Township Zoning Administrator 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 the 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 Township Zoning Administrator 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.

Renumber bullets as needed for remaining sections of Chapter 5.

Motion: Gurr Support: Lockman Carried