

## **NOTICE OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CITY OF MORENCI ZONING ORDINANCE (Posted 8/28/2017)**

The Morenci Planning Commission will hold a public hearing on September 21, 2017, at the City of Morenci Offices, 118 Orchard Street, Morenci, MI 49256, at 7:10 p.m., local time, to consider an amendment to Chapter 22 of the Morenci Code of Ordinances as it pertains to mobile food vending.

Copies of the amendment are available for inspection at the office of the City Administrator / Clerk, 118 Orchard Street, Morenci, MI 49256, during normal City business hours, 8:00 a.m. to 6:00 p.m., Monday through Thursday, excluding City holidays. A copy of the proposed ordinance is also available at [www.CityofMorenci.org](http://www.CityofMorenci.org). Written comments concerning the proposed amendment may be submitted to the City Administrator / Clerk by first class mail or in person up to the meeting time.

## Amendment to Chapter 22 of the City Code

*An ordinance to amend Chapter 22 of the City Code of the City of Morenci to add rules and regulations regarding food trucks / mobile food vending.*

### **CITY OF MORENCI, LENAWEE COUNTY, MICHIGAN, HEREBY ORDAINS:**

#### **Section 1. Amendment.**

Section 22-272A of Chapter 22 of the City of Morenci municipal code is added in its entirety to read as follows:

#### **Section 22-272A - FOOD TRUCKS/MOBILE FOOD VENDING UNITS**

- (a) **Intent.** To encourage mobile food vendors who add to the vibrancy and desirability of the City of Morenci, while providing a framework under which such businesses operate.
- (b) **Definitions.** As used in this Section, the following terms shall have the meanings indicated:
  - (1) **FOOD TRUCK** — A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.
  - (2) **MOBILE FOOD VENDING** — 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 Public Act 92 of 2000, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.
  - (3) **MOBILE FOOD VENDING UNIT** — Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
  - (4) **CATERING** — Providing food or beverages to a non-general public gathering.
  - (5) **VENDOR** — Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

- (6) OPERATE — All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.
- (c) **Mobile food vending permit required.**
- (1) No vendor shall engage in mobile food vending without a mobile food vending permit issued by the zoning administrator authorizing such vending. The Morenci City Council shall prescribe the form of such permits and the application for such permits.
- (2) All food trailer permits shall be prominently displayed on the mobile food vending unit. A mobile food vending permit for vending shall not be issued by the zoning administrator unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this Section.
- (3) A vendor who has applied for and received a mobile food vending permit to operate a food truck or mobile food vending unit under this Section does not have to also apply for and receive a mobile food vending permit to operate under the City of Morenci's Hawkers, Peddlers and Transient Merchants Ordinance (Chapter 16 of the Morenci Code).
- (d) **Duration of mobile food vending permit; nontransferability.** Permits issued by the zoning administrator shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this Section is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.
- (e) **Application for mobile food vending permit.**
- (1) Any vendor desiring to operate a food truck or engage in mobile food vending in the City of Morenci shall submit a completed application to the City of Morenci City Administrator / Clerk's office and receive a mobile food vending permit issued by the zoning administrator.
- (2) The applicant shall truthfully state, in full, all information requested on the application for permit issued by the City of Morenci City Administrator / Clerk's office. The application for a permit shall be accompanied by a fee as defined in this Section.
- (3) Vendor shall submit copies of licenses or permits issued by the Lenawee County Health Department, and a copy of its Michigan Sales Tax License.
- (4) Vendor shall submit a copy of its general comprehensive liability policy with at least a minimum of \$500,000.00 single limit coverage issued by an insurer licensed to do business in the state and which names the City of Morenci as an additional insured.

- (5) Vendor shall provide a copy of its automobile insurance issued by an insurer licensed to do business in the state if the vendor is operating a motorized vehicle.
  - (6) City shall have seven (7) business days to respond to an application for a mobile food vending permit. Application fee is waived if City fails to respond within seven (7) business days.
- (f) **Single-event permits.** If a mobile food vendor is operating during a City-sponsored or City-endorsed special event being held on either public or private property, the vendor must obtain a single-event application from the event organizer. The event organizer shall be responsible for establishing any charge for the permit and shall be entitled to retain all fees collected. The completed application and payment shall be submitted to the event organizer and upon verification that all documents and fees have been received by the event organizer, the City shall issue the single event permit at no further charge.
- (g) **Exceptions for when a food vending permit are not required.**
- (1) No mobile food vending permit is required if the motorized or nonmotorized vehicle, trailer, food truck, or other device is catering to a private dwelling unit or private business. The motorized or nonmotorized vehicle, trailer, food truck, or other device to cater shall be solely contained on the property of the dwelling unit or private business. The caterer shall not be open to the general public during such caterer detail.
  - (2) During the weekend recognized by the Morenci City Council of City-wide Garage Sales, a mobile food vending permit is not required; however, a single-event permit is required. Mobile food vending is allowed in all zoning districts during the recognized weekend, as long as mobile food vending does not occur on streets, sidewalks, or creates traffic obstructions. Application shall be made to the zoning administrator, who shall in coordination with the police chief, approve or deny the application based upon the placement of the mobile food vending unit to ensure it is not placed on streets, sidewalks, or creates traffic obstructions. The City Council shall establish the relevant fee for mobile food vending for such weekend.
  - (3) During auctions and / or estate sales, a mobile food vending permit is not required; however, a single-event permit is required. Mobile food vending is allowed at the auction and / or estate sale on the property of the auction and / or estate sale, as long as mobile food vending does not occur on streets, sidewalks, or creates traffic obstructions. Application shall be made to the zoning administrator, who shall in coordination with the police chief, approve or deny the application based upon the placement of the mobile food vending unit to ensure it is not placed on streets, sidewalks, or

creates traffic obstructions. The City Council shall establish the relevant fee for mobile food vending for such sales.

- (h) **Fees.** An application for a mobile food vending permit shall be accompanied by a fee in the amount established by resolution by the Morenci City Council. Mobile food vending permit shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the zoning administrator's office.
- (i) **Requirements.** Any vendor engaging in mobile food vending shall comply with the following requirements.
  - (1) Food trucks/mobile food vending units shall only operate in districts zoned PO, C – 2, C – 3, I – 1, and I – 2. Ice cream trucks shall be allowed to operate with application throughout all zoning districts.
  - (2) Vendors shall not operate without first obtaining a mobile food vending permit to do so.
  - (3) Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the Morenci City Council. A separate form seeking such authorization is available. Application to operate on City-owned property or on a public street shall be accompanied by a mobile food vending permit or application. No food service shall be allowed on the driving lane side of the mobile food vending unit. If operating on a private street, the customer service area for mobile food vending units shall be on the curb lawn or sidewalk when parked.
  - (4) No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
  - (5) Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
  - (6) Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
  - (7) Vendors shall not use loud music, amplification devices or any other audible methods to gain attention. This prohibition shall not apply to ice cream trucks as long as the music is played at a volume that does not disturb the peace.
  - (8) There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.

(9) Mobile food vending units shall not be parked and operating from 7:00 a.m. to 5:00 p.m. in the following areas:

(a) M-156 (North Street and East Main Street to Summit Street)

(b) East Main Street from Mill Street to North Street

These times may be varied by the Morenci City Council in the event that of a single-event in these areas.

(10) Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to dining furniture, fixtures, and equipment.

(11) No vendor shall 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. If unit is not self-contained and requires electric service, a permit issued by the City of Morenci Building Department is required.

(12) Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise, signage, and loitering.

(13) Vendors shall not represent the granting of a permit under this Section as an endorsement of the City.

(14) Hours of operation for vendors shall be 9:00 a.m. to 9:00 p.m. Hours shall be different if the vendor has obtained a single-event permit for a City-sponsored or City-endorsed event.

(15) Any vendor operating on private property shall submit a written letter from the property owner granting them permission to use the property at time of application.

(16) All gray water/untreated waste shall be disposed of in accordance with federal, state, county, and local regulations, and under no circumstances shall untreated waste be disposed of into the public storm system.

(j) **Other permits.** A permit obtained under this Section shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

(k) **Complaints; appeals; revocation of permit.**

(1) If a written complaint is filed with the City of Morenci zoning administrator alleging a food vendor has violated the provisions of this Section, the zoning administrator shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the

zoning administrator, with the assistance of other City departments, as required, to determine the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the zoning administrator, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.

- (2) The City of Morenci zoning administrator shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this Section; violates any other federal, state or local law, ordinance or regulation; makes a false statement on his/her application; is determined to have a certified complaint; or conducts activity in a manner that endangers the public health, safety or welfare.
  - (3) If a permit is denied or revoked by the zoning administrator or if a written complaint is certified pursuant to this Section, the applicant or holder of the permit may appeal to the Morenci Zoning Board of Appeals. Such appeal shall be in writing. The Morenci Zoning Board of Appeals shall make a written determination, after reviewing evidence related to the appeal, as to whether the denial, revocation, or complaint is valid. If the Morenci Zoning Board of Appeals determines that the denial, revocation, or complaint is valid as supported by a preponderance of the evidence, the action of the zoning administrator shall be sustained. The applicant may appeal the decision of the Morenci Zoning Board of Appeals to a court of competent jurisdiction.
  - (4) Immediately upon such revocation, the zoning administrator shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.
- (l) **Appearance tickets.** The Morenci Police Department, zoning administrator, or such other officials as designated by the Morenci City Council are authorized to issue and serve appearance tickets with respect to a violation of this Section pursuant to Michigan law.
  - (m) **Civil infraction.** A violation of this Section is designated as a civil infraction subject to fines as set out in Section 1-13 of the Morenci Code, plus the costs for a mobile food vending permit as established by the Morenci City Council.

## **Section 2. Repeal of Conflicting Provisions.**

All other City ordinances, City Council resolutions, and parts thereof that conflict with provisions of this Ordinance are hereby repealed and shall be of no further force or effect.

## **Section 3. Severability.**

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

**Section 4. Publication and Effective Date.**

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in the State Line Observer, a newspaper circulating within the City of Morenci. This ordinance shall take effect ten (10) days after the ordinance is published.

YEAS:

NAYS:

ABSENT:

Ordinance declared adopted on \_\_\_\_\_, 2017.

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Jeffrey D. Bell, Mayor  
City of Morenci

**CERTIFICATION OF ADOPTION AND PUBLICATION**

I, Michael S. Sessions, the City Clerk, certify that the foregoing ordinance was properly enacted by the City Council of the City of Morenci, Lenawee County, Michigan on \_\_\_\_\_, 2017 and that it was published in the State Line Observer on \_\_\_\_\_, 2017.

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Michael S. Sessions, City Clerk  
City of Morenci