

# Kinross Charter Township Ordinance No. 1.142

## MOBILE FOOD VENDING ORDINANCE ADOPTED 03/18/2024, AMENDED 10/13/2025

An Ordinance to regulate mobile food vending on public and private property.

THE TOWNSHIP BOARD OF KINROSS CHARTER TOWNSHIP, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

### Section 1 Title

This Ordinance shall be known and cited as the Kinross Charter Township Mobile Food Vending Ordinance.

### Section 2 Intent

The intent of this section is to encourage mobile food vendors that will provide food service options in Kinross Charter Township. Food catering services are exempt from this Ordinance.

### Section 3 Definitions

- A. **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, which may include the sale of branded items consistent with the food, such as apparel that bears the name of the organization engaged in mobile food vending.
- B. **Mobile Food Vending Unit:** Any motorized or non-motorized vehicle, or other device designed to be portable and not permanently attached to the ground from which food services are offered for sale.
- C. **Operate:** All activities associated with the conduct of business, including set up and take down and/or actual hours when the mobile food vending unit is open for business.
- D. **Vendor:** Any individual engaged in the business of mobile food vending; if more than one individual is operating a single mobile food vending unit, then vendor shall mean all individuals operating such mobile food vending unit.

### Section 4 Mobile Food Vending Permit Required

No vendor shall engage in mobile food vending without a Mobile Food Vending Permit issued by Kinross Charter Township. All licenses required by the State of Michigan, and/or Chippewa County shall be prominently displayed in/on the mobile food vending unit.

### Section 5 Duration; Non-Transferability

Mobile Food Vending Permits are issued on a daily, seasonal, and annual basis. A daily permit is valid for a single calendar date. Seasonal permits are valid from May 15<sup>th</sup> to October 15<sup>th</sup> during the calendar year of issuance. Annual permits issued by Kinross Charter Township expire one year from the date of issuance, or one year from the date of issuance of the first daily permit whose cost is put toward the annual permit. Any Mobile Food Vending Permit issued under this Ordinance is non-transferable.

## Section 6 Application

Every vendor desiring to engage in mobile food vending shall make written application to the Kinross Charter Township Zoning Administrator for a Mobile Food Vending Permit, and shall complete a Business Registration Application. The applicant shall truthfully state, in full, all information requested by the Kinross Township Zoning Administrator and be accompanied by a fee. Additionally, the applicant shall provide all documentation as required by Kinross Charter Township.

## Section 7 Fees

An application for a Mobile Food Vending Permit under this Ordinance shall be accompanied by a fee. There shall be no proration of fees. Fees paid on daily permits can be put toward the cost of an annual permit. Fees are non-refundable once a Mobile Food Vending Permit has been issued.

## Section 8 Requirements

Any vendor engaging in mobile food vending shall comply with the following requirements:

1. 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.
2. If operating on property owned or controlled by Kinross Charter Township, vendor may only locate on such property in locations associated with a Township approved public or private event. All mobile food vending trucks operating at an event, whether on public or private property, will be required to obtain the permission of property owner, a mobile food vending permit and pay the fee established by the Kinross Charter Township Board, excepting the Chippewa County Fair.
3. Not operate within 100 yards of any brick-and-mortar restaurant.
4. No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
5. No vendor shall use loud music, amplification devices or “crying out”, or any other audible methods to gain attention which causes a disruption or safety hazard as determined by Kinross Charter Township.
6. Comply with Kinross Charter Township’s Nuisance Ordinance, Sign Ordinance, and all other Kinross Charter Township Ordinances.
7. Possess a liability insurance policy with coverage of \$1 million.
8. Comply with all applicable federal, state, and county regulations.
9. Mobile food vending units 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 across any Township street, alley, or sidewalk.

## Section 9 Impoundment

Any equipment associated with food vending that is not in compliance with this Ordinance and left on public property may be impounded at the owner’s expense.

## Section 10 Licenses

A Mobile Food Vending Permit obtained under this Ordinance shall not relieve any vendor of the responsibility for obtaining any State or County license, or authorization required by any other ordinance, statute, or administrative rule.

## Section 11 Revocation

Kinross Charter Township shall revoke a Mobile Food Vending 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 their application, or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.

Immediately upon such revocation, Kinross Charter Township shall provide written notice to the Mobile Food Vending Permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the Mobile Food Vending Permit shall become null and void.

## Section 12 Complaints; Appeals

If a written complaint is filed with Kinross Charter Township alleging a food vendor has violated the provisions of this Ordinance, the Kinross Charter Township Zoning Administrator shall promptly send a copy of the written complaint to the vendor, together with a notice that an investigation will be made as to 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 Kinross Charter Township Zoning Administrator, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be validated.

If a permit is denied or revoked by the Kinross Charter Township Zoning Administrator or if a written complaint is validated pursuant to this Ordinance, the applicant or holder of a permit may appeal to and have a hearing before the Kinross Charter Township Board.

In the event the Kinross Charter Township Board determines that such grounds are supported by a preponderance of the evidence, the action of the Kinross Charter Township Zoning Administrator or filing of the complaint shall be sustained; and the applicant may appeal the Kinross Charter Township Board's decision to a court of competent jurisdiction.

## Section 13 Violation and Penalty

A violation of this Ordinance shall constitute an Ordinance Violation Citation and is subject to fines established by the Kinross Charter Township Board.