

**STATE OF MICHIGAN  
VILLAGE OF MATTAWAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REGULATE THE OPERATION OF FOOD TRUCKS,  
AND THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR THE  
USE OF FOOD TRUCKS**

THE VILLAGE OF MATTAWAN ORDAINS:

**Section 1. Purpose**

The purpose of this Ordinance is to establish a policy to manage mobile food businesses in the Village of Mattawan (sometimes referred to as the “Village”); to establish a framework to permit and regulate mobile food service providers in the Village; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of streets and sidewalks; and to protect the health, safety and welfare of the people of the Village of Mattawan.

**Section 2. Mobile Food Service Provider Defined**

For this Ordinance, unless the context indicates or requires a different meaning, “Mobile Food Service Provider” or “Mobile Food Vehicle” or “Food Truck” means a motorized vehicle which, upon the issuance of a permit by the Village through its designated official, in conformance with the regulations under this Ordinance and state law, may temporarily park upon property in the Village to engage in the preparation, service, sale, or distribution of ready to eat food for individual portion service to the general public directly from the vehicle. A Mobile Food Service Provider or Mobile Food Vehicle are sometimes collectively referred to as a “Mobile Food Provider” or “Food Truck”. A Mobile Food Vehicle shall also include a trailer pulled by a motorized vehicle engaged in the preparation, service, sale or distribution of ready-to-eat food for individual portion service to the general public from the trailer. It shall include cookers, grills, smokers or other similar apparatuses contained within or on the trailer. A Mobile Food Provider includes vehicles and trailers which prepare food for sale. **Vendors that sell exclusively prepackaged food items such as ice cream trucks. Do not qualify under this Ordinance.**

**Section 3. Special Event or School Function**

For the purposes of this Ordinance, unless the context indicates or requires a different meaning, a “Special Event” means a community sponsored type event in which the sponsor (the “Sponsor”) of the event has obtained permission from the Village to hold such an event and a “School Function” means an event sponsored by a school (the “School”).

**Section 4. Permit Requirements**

Except as may otherwise be allowed by this Ordinance, no Mobile Food Provider may engage in the preparation, service, sale, or distribution of food in the Village on public or private property without first obtaining a permit from the Village. The application fee shall be set from time to time by resolution of the Mattawan Village Council. All fees must be paid to the Village Treasurer at the time the application is submitted. All permits must be available on site for inspection upon request by the Village through its designated representative or law enforcement officer.

## **Section 5. Number of Permits, Duration and Transferability**

- A. Mobile Food Provider permits shall be issued by the Village. The number of permits to be issued may be limited by a resolution of the Mattawan Village Council. Mobile Food Provider permits shall only be for the ~~calendar year in which such a~~ length of the permit is issued 1 month, 3 months, and 6 months.
- B. Transferability. Each Mobile Food Provider permit is valid only for each individual vehicle or trailer operated by a Mobile Food Provider and shall not be transferred among vehicles or trailers. Permits may not be transferred from the Food Provider to any other entity.

## **Section 6. Insurance**

All Mobile Food Providers who obtain a permit pursuant to Section 4 must obtain and maintain a policy of liability insurance by a company licensed to do business in the State of Michigan and approved by the Village. Insurance coverage must be in the minimum amount of \$1,000,000.00 for personal injury and property damage arising out of the permitted operation, including operation by employees, agents, or independent contractors. Proof of insurance must be provided to the Village before a permit can be granted and thereafter upon request. The insurance policy shall name the Village of Mattawan, its officers, employees, and agents as additional insureds and shall provide that the insurance be primary to any other potential coverage. The policy shall provide a minimum of 30 days prior written notice of revocation, cancellation, or amendment to the Village. All Mobile Food Providers agree to hold harmless and protect the Village of Mattawan and its officers, employees, and agents from any liability, claims, costs, expenses, or attorney fees arising out of the permitted operation provided by this ordinance.

## Section 7. Applications

An Application of a person desiring to operate a Mobile Food Provider permit under Section 4 shall provide a written application for such a permit to the Village Office. Applications for a Mobile Food Provider permit shall be on forms provided by the Village (if available) or by written request (if no applications are available) and shall include all of the following:

- A. Name, signature, phone number, email contact, and business address of the applicant.
- B. Information on the Mobile Food Vehicle including the VIN, year, make and model and its dimensions.
- C. Proposed date, hours, and areas of operation **for each specific event.**
- D. A sketch plan showing the location at which the Vehicle shall be used **for each specific event and location.**
- E. Detailed plans for power access, water supply, waste disposal and wastewater disposal.
- F. Copies of all necessary licenses and permits issued by the Van Buren County Health Department and/or the State of Michigan. **Mobile Food Facility Permit, Public Health Permit, Food Seller's Permit, Employee Health Permit (also known as a Food Handlers License**
- G. A Certificate of Insurance evidencing coverage consistent with this Ordinance.
- H. A signed statement or acknowledgment that the permit holder shall hold harmless the Village, its employees, officers, and agents and shall indemnify the Village, its employees, officers and agents for any claim based on the use of the Mobile Food Provider.
- I. Copy of the applicant's state-issued Michigan sales tax license.
- J. **Any food truck must have a sponsoring entity located within the village limits. Sponsoring entities may include but are not limited to business, schools, churches, special event hosts, community-based organizations and residents. A food truck must be set up in front of or on the property of the sponsoring entity. (Moved here from 12 L.)**
- K. **Pre-packaged food items would fall under the Hawkers, Peddlers, and Solicitors Ordinance. (Ice cream trucks)**

## Section 8. Regulations

- A. Section 4 Permits. All of the following regulations must be followed at all times by any Mobile Food Provider who obtains a permit pursuant to Section 4 and/or who operates in the Village:
1. Mobile Food Providers may conduct business only between the hours of 9:00 a.m. and 11:30 p.m. unless the Village provides written permission to conduct business during other hours.
  2. A valid permit must be presented promptly for inspection or examination when requested by the Village, or law enforcement officer. The failure to present a valid permit will require that the Mobile Food Provider cease its operations until a permit can be provided.
  3. A Mobile Food Provider shall not interfere with pedestrian or vehicular traffic. If directed by the Village's representative or law enforcement officer, the Mobile Food Provider shall promptly relocate.
  4. The operator of a Mobile Food Provider shall direct exhaust away from the service side of the vehicle.
  5. A Mobile Food Provider shall only serve customers while parked.
  6. A Mobile Food Provider shall serve customers only on the curb, lawn, or sidewalk side of the Mobile Food Service Vehicle while in an authorized parking space.
  7. No Mobile Food Service Vehicle shall be in motion while food preparation devices are in use (e.g., fryers, stoves, faucets, etc.).
  8. A Mobile Food Provider shall be completely self-contained and is prohibited from utilizing any municipally owned utilities, including, but not limited to, electrical outlets, hydrants, or sewers.
  9. No Mobile Food Service Vehicle shall be left unattended while food is in the vehicle or the food preparation devices are in use (e.g., fryers, stoves, faucets, etc.).
  10. A Mobile Food Provider shall keep the area in which it operates free of trash, clean, and tidy. The Mobile Food Provider shall place at least one trash receptacle immediately outside the Mobile Food Service Vehicle, in plain sight at all times. The receptacle shall not overflow and shall be emptied at an appropriate trash collection

location as needed. No liquid waste of any kind may be emptied into municipal storm or sanitary sewers.

11. Mobile Food Providers shall comply with all applicable laws, rules and regulations in licensing or permit requirements including, but not limited to, those issued by Van Buren County, the Van Buren County Health Department or the Michigan Department of Agriculture and Rural Development or any successor agency, the Michigan Secretary of State, and any other agency with licensing or regulatory jurisdiction over the Mobile Food Provider, a Mobile Food Service Vehicle or the services provided by a food vendor.
12. No Mobile Food Provider shall make or cause to be made any unreasonable or excessive noise, including by the use of a generator. **Excess noise shall be considered noise of more than 75 decibels measured at 50 feet of the originating source.** The operation of all Mobile Food Vehicles shall meet any noise ordinance imposed by the Village.
13. All signage for the Mobile Food Provider must only appear directly on the Mobile Food Service Vehicle. No additional signage is permitted.
14. There shall be no flashing, blinking or ultra-bright lights allowed on Mobile Food Service Vehicles or related signage. All exterior lights over 60 watts shall contain opaque hood shields directing illumination downward.
15. **No lines, wires, cables, or other hazards may be extended across any street, alley, or sidewalk in the Village. Allowed with approved ADA covers over them to protect from trips and falls.**
16. Mobile Food Providers permitted under this Ordinance may operate on private or publicly owned property (e.g., open spaces, parks, streets, and rights-of-way) in accordance with the terms of their permit.
17. Any Mobile Food Provider desiring to locate in a public park shall comply with all Village regulations for parks and recreational spaces.
18. Mobile Food Vehicles, when parked on public streets, shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

19. Mobile Food Providers shall not be located **twenty-five (25)** feet of a permanent business with a food license during that business' normal hours of operation, unless waived by the owner of the business in the form of a writing provided by the business to the Village.
20. Mobile Food Providers shall not operate outside of the locations designated by this Ordinance, or in areas not authorized under the required permit.
21. No Mobile Food Provider shall operate within five hundred (500) feet of any fair, festival, civic event, or other special event that is licensed or sanctioned by the Village, unless the Mobile Food Provider has obtained in writing the permission of the event sponsor.
22. No Mobile Food Provider shall operate within sixty (60) feet of any intersection ~~or driveway~~.
23. **Sponsoring entities may block off no more than two public parking spaces no earlier than two hours prior to the start of the event.**

B. Special Events and School Functions. Mobile Food Providers at a School Function or Special Event shall adhere to the rules and requirements described in this Ordinance, as well as additional rules and requirements adopted by the sponsor of the special event or the school.

### **Section 9. Impoundment**

Any equipment associated with the Mobile Food Vehicle that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

### **Section 10. Written Complaints**

If a written complaint is filed with the Village alleging that a Mobile Food Provider or a Mobile Food Vehicle permitted pursuant to Section 4 has violated the provisions of this ordinance, the Village shall promptly send a copy of the written complaint and a notice of investigation to the Mobile Food Provider at the address provided in the permit application. If the Village and/or a law enforcement officer, after reviewing all materials, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. A certified complaint may give rise to revocation, suspension, or non-renewal.

### **Section 11. Revocation and Appeal**

Once a permit has been issued under Section 4, it may be revoked, suspended, or not renewed by the Village for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the Village. The Village shall revoke the permit of any Mobile Food Provider engaged in mobile food vending who intentionally fails to meet any requirement of this Ordinance or intentionally violates any other federal, state, or local law, ordinance, or regulation; makes a false statement on their application; or conducts their business in a manner adverse to the public health, safety or welfare of the Village and its residents. Immediately upon revocation, the Village shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit shall become immediately null and void upon revocation. If a permit is denied or revoked by the Village or if a written complaint is certified pursuant to this Ordinance, the applicant or permit holder may appeal to the Village Council in writing, at which point the Village Council shall make a written determination on the validity of the denial, revocation or complaint after reviewing all evidence related to the appeal. The Village Council shall consider whether the decision is supported by a preponderance of the evidence and, if so, it shall be sustained. The applicant or permit holder may appeal the decision of the Village Council to a court of competent jurisdiction in Van Buren County, Michigan.

## **Section 12. Other Permits**

A permit obtained under this Section 4 or the right to operate under Section 2 shall not relieve any Mobile Food Provider of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

## **Section 13. Safety Requirements**

The operator of a food truck or food trailer is required to adhere to the following requirements in addition to the requirements of any other ordinance and state law for food service:

- a. Obtain permits from the Mattawan Fire Department before any permit for use is issued.
- b. There shall be no public seating within the food truck or food trailer.
- c. A food truck or food trailer in use shall ensure that fire department vehicular access is provided for fire lanes and access roads.
- d. A food truck or food trailer in use shall provide clearance for the fire department to access nearby fire hydrants (4 ft radius from center) and access fire department connections (10 ft clear distance from the FDC (Fire Department Connection))

- e. A food truck or trailer in use that utilizes combustible media for cooking shall provide an approved fire extinguishing system.
- f. A food truck or food trailer in use shall install portable fire extinguishers in kitchen cooking areas in accordance with NFPA 10.
- g. A cooking appliance in a food truck or food trailer that produces grease-laden vapors shall be protected by listed fire-extinguishing equipment.
- i. A food truck or food trailer in use shall ensure that all workers present are trained in the proper use of fire extinguishers and extinguishing systems.
- j. All employees of a food truck or food trailer in use shall know the proper method for shutting off fuel sources; the proper procedure for notifying the local fire department; and the proper procedure for how to perform simple leak tests on gas connections.
- k. A food truck or food trailer in use shall install and provide wheel chocks to prevent mobile and temporary cooking units from moving.
- l. A food truck or food trailer operator shall keep and maintain all record-keeping documents in one location on the mobile cooking operation and shall make such records available to the Mattawan Fire Department.
- J. ~~Any food truck must have a sponsoring entity located within the village limits. Sponsoring entities may include but are not limited to business, schools, churches, special event hosts, community-based organizations and residents.~~ (Moved to section 7 J.)

**Section 14. Operational Safety Requirements.**

In order to protect the public health, safety and welfare and in addition to the other requirements of this Ordinance, a food truck or food trailer operator of a food truck or food trailer in use in the Village shall adhere by to following operational safety requirements:

- a. The operator shall not leave cooking equipment unattended while it is still hot.
- b. The operator shall only operate or permit the operation of cooking equipment only when all windows, service hatches, and ventilation sources are fully opened unless weather conditions require the retaining of interior heat.
- c. The operator shall ensure that all gas supply piping valves and gas container valves are fully closed when the equipment is not in use.



- d. The operator shall ensure that all cooking equipment, including the cooking ventilation system, is regularly cleaned and grease removed.
- e. All mobile or temporary cooking operations shall be separated from other mobile or temporary cooking operations by a clear space distance of 10 ft.
- f. The address of the current operational location for all food trucks or food trailers in use in the Village shall be posted and accessible to all employees.

### **Section 15. Fuel and Power Source Regulations**

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Village shall be required to adhere to the following regulations regarding the cooking fuel and power source(s):

- a. Prior to commencing cooking, the operator shall verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours.
- b. Refueling shall only be permitted during non-operating hours.
- c. Any engine-driven source of power shall be separated from the public by barriers, such as physical guards, fencing, or enclosures.
- d. Any engine-driven source of power shall be turned off and completely shut down prior to refueling from a portable container.
- e. Prior to refueling from a portable container, the operator shall verify that surfaces of engine-driven source of power are cool to the touch.
- f. An operator shall ensure that all electrical appliances, fixtures, equipment, and wiring comply with the NFPA 70®.
- g. An operator shall ensure that exhaust from engine-driven sources of power comply with the following:
  - (i) The source of exhaust shall be located at least 10 ft in all directions from openings and air intakes.
  - (ii) The source of exhaust shall be located at least 10 ft from every means of egress.
  - (iii) The source of exhaust shall be directed away from all buildings.

- (iv) The source of exhaust shall be directed away from all other cooking vehicles and operations.
- (v) The source of exhaust shall be directed away from the public.

### **Section 16. Propane System Integrity**

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Village which utilizes propane for cooking fuel shall adhere to the following regulations regarding the propane system integrity prior to placing such unit in use in the Village:

- a. The operator shall ensure that the main shutoff valve on all gas containers is readily accessible at all times.
- b. The operator shall ensure that portable gas containers are in the upright position and secured to prevent tipping over.
- c. The operator shall perform leak testing on all new gas connections of the gas system.
- d. The operator shall perform leak testing on all gas connections affected by replacement of an exchangeable container.
- e. The operator shall ensure that where a gas detection system is installed, that it has been tested in accordance with the manufacturer's instructions.
- f. The operator shall document all leak testing and shall make documentation available for review by the authorized official.
- g. The operator shall ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system.

### **Section 17. Solid Fuel Regulations**

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the Village which utilizes solid fuel (wood, charcoal, or other fuel) for cooking shall adhere to the following additional regulations prior to placing such unit in use in the Village:

- a. Such fuel shall not be stored above any heat-producing appliance or vent.
- b. Such fuel shall not be stored closer than 3 ft to any cooking appliance.
- c. Such fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods.

- d. Such fuel is not stored in the path of the ash removal or near removed ashes.
- e. Ash, cinders, and other fire debris shall be removed from the firebox at regular intervals and at least once a day.
- f. Removed ashes, cinders, and other removed fire debris must be placed in a closed, metal container located at least 3 feet from any cooking appliance.

**Section 18. Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 19. Repealer Clause**

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 20. Violation**

A violation of this ordinance shall be a municipal civil infraction and, shall be punishable by a fine of \$250 for any portion of a day in which the violation occurs. In addition, all applicants agree that a violation of this ordinance creates a public nuisance that the Village shall be entitled to enforce by seeking injunctive relief or any other remedy allowed by law.

**Section 21. Effective Date**

This ordinance shall become effective upon publication.

**CLERK'S CERTIFICATE**

I, Jolie Storm-Artis, Clerk of the Village of Mattawan, certify that at a regular meeting of the Village Council held on \_\_\_\_\_, at 7:00 p.m., at the Mattawan Village Hall, at which the following members were present:

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The Council enacted Ordinance # \_\_\_\_\_, to become effective \_\_\_\_\_, and to be published pursuant to the provisions of the Village Charter.

\_\_\_\_\_ Ayes

\_\_\_\_\_ Nays

\_\_\_\_\_ Abstentions