

[2023-0130](#)

Proposed Food Truck Regulations

(Memorandum by Sara Roediger and Jodi Welch dated 3-15-23, and Proposed Food Truck Ordinance had been placed on file and by reference became a part of the record thereof.)

Ms. Roediger explained that this is something that has been talked about on and off for a while. Staff looked at different ways to approach it, Giffels Webster was consulted and provided examples from other communities, and ultimately it was decided to develop some regulations that are not too restrictive, overcomplicated or overburdensome to allow for food trucks. She noted that food trucks are more and more common especially since COVID. She stated that Jodi Welch drafted this Ordinance and she is the one out there enforcing regulations. She mentioned that the City has had some issues with unregulated food trucks in the past and some businesses being unhappy about them. She stated that the intent is to start with something fairly simple and see how it goes, and if something needs to be added later, it could be. She pointed out that because this will be in the Code of Ordinances and would not be a Planning Commission public hearing, and because it has been discussed before, she wanted to bring it in front of the Commission so they could comment. She explained that it will go right to City Council for first and second reading, most likely in April so it can be in place for the upcoming summer season.

Ms. Welch stated that what they are trying to do is to regulate food trucks as they want to park outside of businesses; but not be overly restrictive for neighborhoods associations, for private parties or small events, such as an employer wanting to host an event for its employees for the day. She mentioned because they are currently regulated only under special events without any other guidance, there was an issue last year where they had a brick and mortar store that was upset by a food truck being parked close to them selling similar food.

Ms. Roediger explained that the way it is set up is that they would pay an annual fee once and be reviewed by the Fire Department, and then when they would want to operate, they would submit a permit request through the Special Events permit, which would be reviewed by Ordinance to ensure that there is adequate space on site for parking, for people waiting in line, for somewhere to sit, and to make sure that the site is still functioning even with the food truck on it. She explained that one of the issues last year was at a gas station site which was not intended to host a food truck and there wasn't enough space to maneuver around. To not negatively impact the City's brick and mortar businesses, it must be at least 200 feet from any restaurant that serves similar cuisine, for example a taco truck next to Taco Bell, or an ice cream truck in front of a Dairy Queen. She asked if there were any comments or questions. She mentioned that it will probably tee-up some additional zoning ordinances later this year as a part of general housekeeping; and explained that a lot of regulations in the Zoning Ordinance such as seasonal trees and roadside stands would be better served in a similar fashion such as this where we would just refer to the Special Events and let them do the processing. She noted that a Christmas Tree lot goes through the Building Department as a Special Permit review. She stated it would be better to get it all out of the Zoning Ordinance and just regulate through

the Special Events process; however, it was too complicated to get all of that ready for tonight and will be done later through the housekeeping items.

Mr. Dettloff asked how trash would be monitored.

Ms. Welch responded that under the permitting for the Special Food Trucks they will be required to provide trash receptacles and maintain the site.

Ms. Neubauer questioned who would monitor if they are doing that or if they were letting their trash overflow for a whole week.

Ms. Welch responded that if they were there for a week and had receptacles, they would be under Special Event permit so they would be inspected by the Ordinance Division who would be out doing site inspections and keeping an eye on that property while they have the permit. She explained that sometimes they apply for a permit for seven days and sometimes they apply for 14 days.

Ms. Neubauer questioned how long the permit time period would be.

Ms. Welch responded that generally for a Special Event permit they can apply for up to 30 days to be at a particular location. After that they must have a break. They are allowed to do that up to three times total for an entire year, but there must be a gap between each permit event. She commented that they would regulate it like they would regulate any special event and are constantly inspecting those areas. She mentioned the Lions Club Carnival, and stated that Ordinance inspectors are out every day to ensure things are being maintained and no blight issue is being created.

Ms. Neubauer asked what would happen if there are a lot of food trucks and how would they be chosen.

Ms. Welch responded that generally they have to be sponsored by the site owner. She explained that there would not be multiple food trucks applying for multiple permits. She stated that the Village might apply for a permit to have five food trucks out, as long as they are all licensed. She pointed out that currently as long as they have their Oakland County Health license, that is how they are monitored.

Ms. Neubauer asked how that would change if there ends up being a food truck park.

Ms. Roediger stated that there was discussion about municipal events being exempt.

Ms. Neubauer asked what if there was a designated area in Rochester Hills for food trucks all of the time, would the ordinance have to be amended.

Ms. Roediger responded that this would be more of a site plan that would need to be reviewed and it would have to be exempted from the 30 day limit. She stated that she would be hesitant to expand on that now because she does not know what that would look like. If it were a municipal-owned lot at a park for

instance it would already be exempt. If it were a private business, such as all of a sudden Hampton Shopping Center wanted to have Food Truck Thursday rallies, or physically changed an area of the site to make a permanent location, that would be a site plan amendment that would have to come before this body.

Mr. Hooper asked how the dollar limits for insurance were developed.

Ms. Welch responded that this came from legal.

Mr. Hooper pointed out that the CGL was \$5 million and motor vehicle is \$5 million, and commented that these are huge limits for a food truck operator. He noted that in his line of work he does a lot of business with the big three and they do not even require those limits, and stated that this would be pretty expensive for a food truck operator. He commented that he would not want to be so restrictive that it would cost the food truck operator a great deal of money to get insurance.

Ms. Roediger responded that they would double check with John Staran.

Mr. Struzik pointed out that the word kitchen is mentioned twice but is not defined in the definitions. He noted that someone could argue that they do not have a kitchen and are not warming up or heating food and are just dispensing food from a food truck. He mentioned someone who is at a farmer's market that has a trailer that nobody goes inside of, and he questioned whether that would be covered under this Ordinance.

Ms. Roediger stated that this was a good point, and added that as things evolve there are now traveling bar trucks where they make drinks and there is no kitchen. She commented that there would be a whole liquor license issue with that.

Mr. Tangari commented that there is a bowling alley semi-truck that was in his neighborhood not long ago for a birthday party.

Mr. Struzik stated that he concurs with the feedback tonight and commented that this is a really great starting point and is very close to the mark. He mentioned that the liability minimum of \$5 million may make operators wonder if a civil fine is cheaper.

Ms. Roediger stated that they wanted to get something out there so they would not be hurting existing businesses. She commented that right now it is like the Wild West out there and it is up to Ordinance to try to enforce something. She stated that hopefully this proposed Ordinance will give Ms. Welch some teeth for enforcement and it can be learned from if it is decided that some things are not working.

Discussed