

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 78, PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO ADD ARTICLE IV, FOOD TRUCKS AND FOOD TRAILERS, TO REQUIRE ANNUAL LICENSING OF, AND TO ESTABLISH OPERATING REQUIREMENTS FOR, FOOD TRUCKS AND FOOD TRAILERS; TO PRESCRIBE A PENALTY FOR VIOLATIONS; AND TO REPEAL INCONSISTENT ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 78, Article IV of the Code of Ordinances of the City of Rochester Hills shall be added as follows:

Article IV. Food Trucks and Food Trailers

Sec. 78-209. – Purpose.

The purpose of this article is to protect the public health, safety, and welfare by require food trucks and food trailers used in the City to be licensed and to meet certain minimum operating standards and conditions set forth in this article.

Sec. 78-210. – Definitions.

- (a) *Food Truck* means a self-propelled, motorized vehicle with a self-contained kitchen equipped to prepare, vend, or sell food from the vehicle.
- (b) *Food Trailer* means a portable structure on wheels that is designed to be towed and which has a self-contained kitchen equipped to prepare, vend, or sell food therefrom.
- (c) *Food Truck and Food Trailer Vendor* means the individual, company, restaurant, organization, or entity operating a food truck or food trailer.

Sec. 78-211. – Food truck/trailer license.

In addition to obtaining a special event permit under section 79-3 of the City Code, food truck and food trailer vendors must obtain an annual food truck/trailer license for each food truck or food trailer to be used in the city. Prior to the issuance of an annual license for a food truck or food trailer, the city’s building department and fire department will inspect each food truck or food trailer to determine roadworthiness and compliance with applicable laws and ordinances. An annual license decal will be affixed to the food truck or food trailer by the city inspector upon successful completion of the inspection and payment of the annual license fee. The inspector will report the results of the inspection to the city building department. Inspections will be performed during normal business hours by appointment.

Sec. 78-212. - Fees.

Fees charged under this article shall be as prescribed in Chapter 54 of the City Code.

Sec. 78-213. – Application Requirements.

(a) Every food truck and food trailer vendor shall file a written application for a food truck/trailer license(s) with the building department upon a form to be furnished by the building department.

(b) The application must contain all of the following:

- (1) The full name, complete address and telephone number of the applicant and whether the applicant is an individual, partnership, limited liability company, corporation or other form of business entity, and if a corporation, the state of incorporation or organization;
- (2) The name under which the applicant will operate;
- (3) The license plate, make, model and year of manufacture of the food truck or food trailer.

(c) The application must be accompanied by the following:

- (1) The application fee;
- (2) Copy of Oakland County food service license and, if applicable, Michigan Liquor Control Commission license, valid for the current year;
- (4) Certificates of insurance evidencing insurance coverage for the applicant, its agents and employees, for the following coverages:
 - a. Worker's compensation and employer's liability insurance in accordance with state law;
 - b. Commercial general liability insurance on an "Occurrence" basis with limits of liability not less than \$5,000,000.00 per occurrence;
 - c. Motor vehicle liability insurance including Michigan no-fault coverage for all vehicles used with limits of liability not less than \$5,000,000.00 per occurrence and aggregate combined single limit, personal injury, bodily injury and property damage;
 - d. Commercial general liability and motor vehicle liability insurance shall include an endorsement stating the city shall be an additional

insured. Such insurance shall be primary to the additional insured and not contributing with other insurance available to the city; and

e. The certificates shall provide that the city shall receive 60 days advance written notice of cancellation, nonrenewal, reduction or material change in any such insurance coverage for any reason.

(5) A written declaration duly dated and signed by the applicant and given under oath or affirmation and under penalty of perjury that the information contained in and attached to the application is true and correct.

Sec. 78-214. – License Renewal.

Any time after March 1 of each year, but before the license expires, a food truck or food trailer vendor may file an application to renew its license on a form to be furnished by the building department

Sec. 78-215. – Operating Requirements.

A food truck and food trailer vendor must comply with all of the following operating requirements:

- (a) Food trucks and food trailers must be legally parked on a paved or gravel surface, or such other surface approved by the Building Department, and the truck/trailer and their service and dining areas must not obstruct or impede vehicular, pedestrian, or non-motorized travel or movement, nor create visual obstructions for vehicular traffic.
- (b) Food trucks and food trailers must comply with all applicable noise and parking regulations.
- (c) The area(s) where customers queue to place or pick up an order must not be located on a street, road, or within the road right of way, and, if in a parking lot, must be located a safe distance from the travel lanes of the parking lot.
- (d) The seating area must not be located on a street, road, or within the road right of way, and, if in a parking lot, must be located a safe distance from the travel lanes of the parking lot. No seating may be located within 10 feet of the food truck or food trailer.
- (e) Adequate waste receptacles must be provided.
- (f) Dumping of gray water, grease, or any other fluid on the ground or street or into any storm sewer is prohibited.

- (g) Food trucks and food trailers may not operate within 200 feet of an existing restaurant offering similar fare during the hours in which that restaurant is open for business.

Sec. 78-216. – Exemption from Special Event Permit.

All operating requirements of Sec. 78-215 must be met by, but a special event permit under Sec. 79-3 of the City Code is not required for, a food truck or food trailer operating:

- (a) Not more than 4 hours within a 24 hour period, provided there shall be a gap of at least 30 days between the same food truck operating in the same location,
- (b) In a residential zoned district as part of a neighborhood event, or
- (c) On private property for a private event with no sales to the general public.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of \$500.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, the day following its publication in the *Oakland Press* on _____.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2023.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I, LEANNE SCOTT, ROCHESTER HILLS CITY CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AN ORDINANCE, THE ORIGINAL

OF WHICH IS ON FILE IN MY OFFICE, ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF HELD ON _____, 2023.

Leanne Scott, Clerk
City of Rochester Hills