

**VILLAGE OF STEVENSVILLE  
BERRIEN COUNTY, MICHIGAN**

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

**AN ORDINANCE TO ADD A NEW ARTICLE VI, ENTITLED “MOBILE FOOD VENDORS,” TO CHAPTER 8 OF THE CODE OF ORDINANCES, VILLAGE OF STEVENSVILLE, MICHIGAN TO REGULATE FOOD TRUCKS AND OTHER MOBILE FOOD VENDING UNITS**

The Village of Stevensville Ordains:

Section 1. Addition. A new Article VI, entitled “Mobile Food Vendors,” is added to Chapter 8 of the Code of Ordinances, Village of Stevensville, Michigan, to read as follows:

**Chapter 8  
Article VI - Mobile Food Vendors**

**Section 8-181. Definitions.**

The following words and terms shall be defined for the purposes of this article. As used in this article, the following terms shall have the meanings indicated:

- (A) *Mobile food vending* means vending, serving, or offering for sale food or beverages from a mobile food vending unit, along with ancillary sales of branded items consistent with the food or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant, or organization engaged in mobile food vending.
- (B) *Mobile food vending unit* means a vehicle or other structure (e.g., a cart) with a self-contained kitchen, equipped to create, prepare, or package food for the purpose of vending, service, or offering for sale.
- (C) *Mobile food vendor* means any individual, company, restaurant, or organization operating a mobile food vending unit.
- (D) *Operates* means engaging in 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.

**Sec. 8-182. Permit required.**

- (A) No mobile food vendor shall operate a mobile food vending unit without a permit issued by the Village Clerk authorizing such operation. The Village Clerk shall prescribe the form of available permits and the application for such permits. The Village Council shall, by resolution, establish appropriate fees for the available permits.
- (B) No vending through a mobile food vending unit of food or other human consumables shall be permitted unless it meets the definition of mobile food vending unit as defined by this article.
- (C) Notwithstanding the foregoing, no permit shall be required for a mobile food vending unit which is operated only in conjunction with a community event approved by the city council. However, such units must still comply with all other applicable requirements of this article.

**Sec. 8-183. Duration of permit; nontransferability.**

Permits issued by the Village Clerk shall be valid only for the term for which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this article is nontransferable.

**Sec. 8-184. Application for permit.**

Any mobile food vendor desiring to engage in mobile food vending in the Village shall submit a completed application to the Village Clerk for a permit under this article. The applicant shall truthfully state, in full, all information requested on the application for a permit issued by the Village Clerk's office. Additionally, the applicant shall provide all documentation, such as proof of insurance and a signed indemnity agreement, as required by this article or by the application form. The application for a permit shall be accompanied by a fee as defined in this article.

**Sec. 8-185. Fees.**

The application fee, in an amount established by resolution of the Village Council, shall be required upon submission of the application. Regardless of when the application is submitted during the calendar year, the fee shall be required in full, and the fee shall not be prorated. Once the permit has been issued, the application fee shall be nonrefundable.

**Section 8-186. Requirements.**

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

- (A) Mobile food vendors shall not operate on private property within the Village without first obtaining written consent to operate from the affected private property owner.
- (B) Mobile food vendors shall not operate on Village-owned property or on public streets except at such times and in such locations permitted by resolution of the Village Council. To the extent it becomes necessary to designate specific mobile food vendors who may occupy a public location at any given time, the Council resolution may specify policies or practices for making such determinations.
- (C) When mobile food vendors are permitted to operate on public streets, no food service shall be allowed on the driving lane side of the mobile food vending unit.
- (D) A Village permit for each mobile food vending unit to be operated in the Village must be prominently displayed and permanently affixed to the lower left-hand corner of the windshield of the mobile food vehicle or a visible location on the mobile food vending unit.
- (E) No mobile food vending unit shall impede visibility or the flow of vehicular, pedestrian or bicycle traffic in any location.
- (F) It shall be unlawful for any person operating a mobile food vending unit while on duty to drink any alcoholic beverage, to shout or call to prospective customers, or to disturb the peace in any manner.
- (G) No mobile food vending unit that constitutes a vehicle for purposes of the Michigan Vehicle Code shall operate unless it bears a State license duly issued, and no such vehicle shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition.
- (H) Each mobile food vending unit shall have, in letters readable from a distance of fifty (50) feet, the

name of the vendor operating it.

- (I) Each mobile vending unit shall have available for inspection a copy of the required County Health Department Permit.
- (J) The hours of operation shall be limited to the hours between 7:00 a.m. to 10:00 p.m. No approved mobile food vending unit shall be left unattended on a public way, nor remain on a public way, outside of these allowed hours of operation.
- (K) No vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.
- (L) The vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the mobile food vending unit entirely from the public way if necessary to avoid such congestion or obstruction.
- (M) Any power required for the mobile food vending unit located on a public way shall be self-contained and shall not use utilities drawn from the public right-of-way.
- (N) All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and disposed of properly. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place. A garbage receptacle shall be easily accessible for customer use. Each mobile food vending unit shall be equipped with sufficient garbage receptacles, and each vendor shall be responsible for collecting all litter, garbage and refuse left by customers and related to its products located within a fifty foot (50') radius of the mobile food vending unit.
- (O) The vendor must comply with all other applicable conditions and requirements imposed upon mobile food vendors under the law, must comply with Village ordinances and State law, and shall make all required sales tax returns and other reports as required by State law. A permit obtained under this article shall not relieve any mobile food vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.
- (P) Mobile food vendors shall not represent the granting of a permit under this article as an endorsement of the Village

**Section 8-187. Penalties.**

Any person or entity who shall be guilty of a violation of any of the provisions of this article, shall be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for every violation occurrence.

**Sec. 8-188. Complaints; appeals; revocation or suspension of permit.**

- (A) If a written complaint is filed with the Village Clerk by an ordinance enforcement officer or citizen alleging a mobile food vendor has violated the provisions of this article, the Village Clerk shall promptly send a copy of the written complaint to the mobile food vendor together with a notice that an investigation will be made by the Village Clerk, with the assistance of other Village departments, as required, as to the truth of the complaint. The mobile food vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Village Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.

- (B) The Village Clerk may revoke or suspend the permit of any mobile food vendor engaged in mobile food vending who ceases to meet any requirement of this article or violates any other federal, state, or local law, ordinance, or regulation; makes a false statement on the permit application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare as evidence in a complaint certified pursuant to the subparagraph (a). Any revocation shall have immediate effect or remain in effect unless and until reversed on an appeal
- (C) If a permit is denied, revoked, or suspended by the Village Clerk, the applicant or holder of the permit may appeal to the Village Council in writing. The Village Council shall make a written determination, after reviewing evidence related to the appeal, as to whether the denial, revocation or complaint is valid. If the Village Council determines that the denial, revocation or complaint is valid as supported by a preponderance of the evidence, the action of the Village Clerk shall be sustained. The applicant may appeal the decision of the Village Council to a court of competent jurisdiction.

Section 2. Effective Date. This ordinance shall become effective either 20 days after adoption or upon publication, whichever occurs later.

YEAS: Trustees: Ken Hansen, Chris Mason, Amanda Pohyba, Carl Steinberger, Pat Arter, President David Wenger

NAYS: None

ABSTAIN: None

ABSENT: Trustee Brian Liggett

**CERTIFICATION**

As the duly appointed Clerk of the Village of Stevensville, Berrien County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Stevensville Village Council at its meeting of July 21, 2021.



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Tiffany Moore, Village Clerk