

**CITY OF THE VILLAGE OF DOUGLAS  
ALLEGAN COUNTY, MICHIGAN  
ORDINANCE NO. 06-2022**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE  
CITY OF THE VILLAGE OF DOUGLAS**

An Ordinance to amend Chapter 110: Business Licensing (City of the Village of Douglas Code of Ordinances); to create a temporary business license classification for Mobile Food Vending Units; and, to regulate and establish performance standards for Food Truck Permit in the City of the Village of Douglas, Michigan.

**THE CITY OF THE VILLAGE OF DOUGLAS DOES HEREBY ORDAIN AS  
FOLLOWS:**

**Section 1. Amendment of Chapter 110: Business Licensing, Code of Ordinances; to create the Section “Mobile Food Vending Unit/Food Truck, Temporary”, et seq.** Chapter 110 of the City of the Village of Douglas Code of Ordinances is hereby amended, to establish a temporary business license classification for Mobile Food Vending Units, and to regulate and establish performance standards for Food Truck Permit. Section “Mobile Food Vending Unit/Food Truck, Temporary”, et seq., shall be created; to read as follows:

***MOBILE FOOD VENDING UNIT/FOOD TRUCK, TEMPORARY***

***§ 110.40 DEFINITIONS.***

*As used in this subchapter, the following terms shall have the meanings indicated:*

***FOOD TRUCK.*** *A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.*

***MOBILE FOOD 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, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.*

***MOBILE FOOD VENDING UNIT.*** *Any motorized or non-motorized*

vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.

**VENDOR.** Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

**OPERATE.** All 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.

#### **§ 110.41 INTENT.**

*In the interest of encouraging vibrancy and increased economic performance of the Downtown District, this subchapter shall establish mobile food vending unit temporary business license classification permit and fee, with performance standards to operate a food truck in the City of the Village of Douglas.*

#### **§ 110.42 PERMIT REQUIRED.**

*No vendor shall engage in mobile food vending in the City of the Village of Douglas without a permit. Vendors shall not represent the granting of a permit under this subchapter as an endorsement of the City. A permit obtained under this subchapter shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.*

(A) *Application for Permit.* Any vendor wishing to engage in mobile food vending shall submit a completed Mobile Food Vending Unit Temporary Business License/Food Truck Permit application form to the Douglas City Clerk, who shall administer this subchapter and provide any approved temporary license for such vending. The applicant shall truthfully provide, in full, all information requested on the application form and documentation as required by this subchapter or the City of Douglas. An application for a permit shall be accompanied by a fee as defined in this subchapter.

(B) *Fees for Temporary License and Permit.* A temporary business license fee of \$50, plus additional permit fee by vendor type as prescribed by Douglas City Council shall apply. Douglas City Council shall establish applicable fees by resolution and reserves the right to determine the number and dates of such permits, by resolution. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Clerk.

(C) *Permits by Type.* A permit for vending shall not be issued by the Clerk unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this subchapter. Permits shall only be made available:

(1) *To coincide with the hours of a City-sponsored or City-endorsed Special Event Permit Application ("Event") in a public park or any other licensed Amusements or Entertainments on public or private property, in*

accordance with Chapter 111.

(2) For a specified date/period ("Durational") of no less than three (3) and no more than five (5) consecutive days, valid to operate in specific locations as designated by permit, at Wade's Bayou Memorial Park or Beery Field located in the Downtown District, between the hours of 9:00 AM and 7:00 PM. No single mobile food vending unit, food truck, nor vendor shall obtain or otherwise benefit from more than four (4) durational permits issued during any given six-month (180-day) period.

**§ 110.43 DURATION OF PERMIT; NON-TRANSFERABILITY; EXPIRATION.**

Permits issued shall be valid only for the period of time for which they are issued and exclusively for the mobile food vending unit identified on the permit. Any permit issued under this subchapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit. Temporary business license granted under the provisions of the subchapter shall expire upon the limitation of permit(s) issued and shall not exceed one-year (1- year), whichever occurs first.

**§ 110.47 REQUIREMENTS.**

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

- (A) Vendors shall not operate within the City of the Village of Douglas without valid permit.
- (B) Evidence that the vendor has obtained public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with a limit of not less than \$25,000 from a company approved by the State Commissioner of Insurance, which insurance shall insure the vendor, their employees, and agents, against liability for death or injury to persons or damages to property by reason of negligent operation by the vendor, and name the City of Douglas as an additional insured party. Such policy shall remain in full force and effect in the specified amounts during the term of this license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the City Clerk, in writing, at least ten (10) days before the expiration or cancellation of the policy; or be subject to immediate revocation.
- (C) All permits shall be prominently displayed on the mobile food vending unit.
- (D) Food service windows shall be oriented opposite of vehicular traffic and away from lanes of travel, operated so the customer service area for mobile food vending units shall be at the curb, tree lawn, or sidewalk when parked.
- (E) No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit.
- (F) There shall be no signage used by vendors except for what is allowed

*on the vehicle, food truck or mobile food vending unit as regulated by City of Douglas sign provisions. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights shall contain opaque hood shields to direct the illumination downward in compliance with the City of the Village of Douglas Zoning Ordinance.*

*(G) Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise and loitering. Vendors shall not use music, sound amplification devices or crying out or any other audible methods to gain attention which causes a nuisance, disruption or safety hazard as determined to be in violation of the City of Douglas Code of Ordinances or Zoning Ordinance.*

*(H) Idling of mobile food vending unit or food truck and/or portable generators shall not be permissible.*

*(I) Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to signage, dining furniture, fixtures, and equipment without Temporary Use Permit pursuant to Douglas Zoning Ordinance. This does not include waste receptacles.*

*(J) All service lines, staging/waiting areas, and/or waste receptacles shall not block or obstruct the free and safe movement of pedestrians on sidewalks or at curb cuts or the visibility/movement of a motorist. If a sufficient crowd gathers such that the passage of the public through a public area is blocked or obstructed, a police officer, fire official, or the Planning and Zoning Administrator may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a vendor cannot conduct business in a location without blocking or obstructing the passage of the public, those named officers of the City may cause the vendor to leave the location for a sufficient period to allow the obstruction to clear.*

*(K) Vendors shall be solely responsible to provide appropriate waste receptacles at the site of the unit, and to remove and dispose of all litter, debris and other wastes attributable to the vendor and/or customers off-site on a daily basis. Recycling of waste is preferred. Use of City waste receptacles or services for waste disposal shall constitute a violation and may result in revocation.*

*(L) No mobile food vending unit may be left unattended for more than two (2) hours.*

*(M) No mobile food vending shall exist on-site for a period greater than ninety (90) minutes prior to or after hours of operation, as authorized by permit.*

*(N) No vendor shall utilize any electricity or power without the prior written authorization of City Council; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If unit is not self-contained and requires electric service, a permit issued by the City of Douglas Building Department is required.*

#### **§ 110.49 COMPLAINTS; APPEALS; REVOCATION OF PERMIT.**

(A) *The City Clerk or Zoning Administrator may revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this subchapter or violates any other federal, state or local law, ordinance or 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.*

(B) *If a permit is denied or revoked by the Clerk, the applicant or holder of the permit may appeal to Douglas City Council. Such appeal shall be in writing. The City Council shall consider appeals and any evidence related to the appeal, and decide as to whether to uphold the denial, revocation, or complaint. If the City Council determines by majority vote that the denial, revocation, or complaint is supported by a preponderance of the evidence, the action of the Clerk or Zoning Administrator shall be sustained and final.*

(C) *Immediately upon such revocation, the Clerk shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation by the Clerk pending appeal.*

#### **§ 110.50 APPEARANCE TICKETS.**

*The Douglas Police Department or such other officials as designated by the Douglas City Council are authorized to issue and serve appearance tickets with respect to a violation of this subchapter pursuant to Michigan law.*

#### **§ 110.51 PENALTY.**

*A violation of this subchapter is designated as a civil infraction subject to fines as set out in §34.06 of the Douglas Code.*

**Section 2. Severability; Paragraph Headings.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

**Section 3. Repealer.** All other ordinances or portions of ordinances inconsistent with this Ordinance are hereby repealed.

**Section 4. Publication.** Within fifteen (15) days of its adoption, this Ordinance or a notice of adoption summarizing this Ordinance, as required by law, shall be published by the City Clerk in a newspaper of general circulation in the City.

**Section 5. Effective Date.** This Ordinance shall become effective twenty (20) days after the date of publication.

Ordinance Offered by: Seabert

Ordinance Supported by: Toepper

Ayes: Miller, North, Seabert, Toepper, Donovan

Nays: None

Abstain: None

Absent: Nauman, Van Loon

**ORDINANCE DECLARED ADOPTED.**

  
Jerome Donovan, Mayor

6/20/22  
Date

  
Pamela Alderink, CMC, City Clerk

6/21/22  
Date

Ordinance Adoption Date: 6/20/22

Ordinance Effective Date: 7/20/22 (20 days after adoption and publication)

**Section 5. Effective Date.** This Ordinance shall become effective twenty (20) days after the date of publication.

Ordinance Offered by:

Ordinance Supported by:

Ayes:

Nays:


Abstain:

Absent:

**ORDINANCE DECLARED ADOPTED.**

  
Jerome Donovan, Mayor

6/20/22  
Date

  
Pamela Aalderink, CMC, City Clerk

6/21/22  
Date

Ordinance Adoption Date: 6/20/22

Ordinance Effective Date: 7/20/22 (20 days after adoption and publication)

## CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of the Village of Douglas at a meeting held on June 20, 2022 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the City Charter and the Open Meetings Act, Public Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Pamela Aalderink, CMC, City Clerk