

# Village of Lexington

7227 Huron Ste. 100 Lexington, MI 48450

## APPLICATION FOR MOBILE FOOD VENDING LICENSE

The Village of Lexington Code of Ordinances requires that all mobile food vendors obtain a Village license to operate on both private and public lands. After completely the information below, please return this form with your remittance to: Village Clerk, Village of Lexington, 7227 Huron Ste. 100 Lexington, MI 48450.

### BUSINESS INFORMATION

Business Name: \_\_\_\_\_

Name of Food Truck: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

### APPLICANT INFORMATION

Contact Name Representing Business: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### VENDING UNIT INFORMATION

Make of Vending Unit: \_\_\_\_\_

Model of Vending Unit: \_\_\_\_\_

Year of Vending Unit: \_\_\_\_\_

Vehicle Identification Number (VIN): \_\_\_\_\_

License Plate: \_\_\_\_\_

### GENERAL APPLICATION REQUIREMENTS

**Please confirm that the following items have been included with your application.**

1. \_\_\_ If vending on Village property, certificate of general liability insurance required with Village as additional insured. (Min. \$1 million per occurrence)
2. \_\_\_ Copy of Health Department License
3. \_\_\_ Copy of State issued photo id for all employees (*required for background check*)
4. \_\_\_ Copy of Michigan Sales Tax License
5. \_\_\_ Photograph of the mobile food vending unit
6. \_\_\_ Fee as outlined in application

### FEE SCHEDULE

# Village of Lexington

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Please select the description and attach the appropriate fee with your application. Fee is nonrefundable. Regardless of when the license is issued, all licenses expire at the end of each calendar year. PLEASE NOTE: Annual license holders will be required to pay the appropriate fee for vending at a community event if located outside of the designated public areas.

1.  If vending on Village property - \$400.00 annually
2.  If vending on Village property - \$40.00 daily
3.  If vending on private property - \$100.00 annually
4.  If vending on private property - \$25.00 daily

## SIGNATURES

As the applicant for a mobile food vending license, I hereby agree to comply with all requirements of the Village of Lexington Code of Ordinances and County and State regulations, and I understand this license will be revoked for any noncompliance. I confirm that all information that I have provided in this application is accurate to the best of my knowledge. I understand and acknowledge that vending is only permitted at designated locations as determined by the Village of Lexington. I understand this license is personal and non-transferable. I also understand this license may be revoked by the Village Clerk.

I acknowledge that the Village may be required from time to time to release records in its possession. I hereby give permission to the Village to release any records or materials received by the Village from myself as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

\_\_\_\_\_  
*Applicant and Date*

## VILLAGE USE ONLY

\_\_\_\_\_  
*Village Clerk and Date*

License Issued:  Yes or  No

License Number: \_\_\_\_\_

License effective through: \_\_\_\_\_

# Food Trucks

## AN ORDINANCE TO AMEND CHAPTER 46 OF THE LEXINGTON CODE OF ORDINANCES, CREATING A NEW ARTICLE III MOBILE FOOD VENDING

### THE VILLAGE OF LEXINGTON ORDAINS THE FOLLOWING ARTICLE BE CREATED:

#### **Mobile Food Vending**

An amendment to Chapter 46. Allowing for there to be up to four (4) food vendors operating on Village property at a given time in the designated locations. There will be blackout dates associated with sponsored events when mobile food vendors may not operate on Village property unless invited by the event sponsors. Those dates will correlate with Village Council approved events. There shall be up to four (4) food vendors operating on private property during a given time (limit of 1 mobile food vendor per parcel of land at a time). All mobile food vendors are allowed a maximum stay of 4 days in one location before their mobile unit must leave the location and must be gone at least 24hrs before it can return.

#### **Division 1. Generally**

##### **Intent.**

The intent of this Section is to encourage mobile food vendors that will provide temporary food service options in underserved areas, promote entrepreneurial activity, and increase vibrancy and culture to the Village of Lexington.

##### **Sec. 46-63 Definitions.**

- (a) *Mobile food vending* shall mean 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, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.
- (e) *Food Truck Event* means a sponsored mobile food vending truck event which last a duration of no more than 3 days and allows for unlimited mobile food vendors to operate on public and private property so long as they meet the Village's ordinances for requirements on public and private property. Licenses are required.

#### **Division 2. License**

**Sec. 46-64 License required.**

No vendor shall engage in mobile food vending without a license from the Village Clerk authorizing such vending. The Village Clerk shall prescribe the form of such licenses and application for such license. All licenses shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be licensed unless it meets the definition of mobile food vending as defined by this ordinance.

**Sec. 46-65 Duration; non-transferability.**

Annual licenses may be issued by the Village Clerk expiring at the end of each calendar year. Any license issued under this chapter is non-transferable.

**Sec. 46-66 Application.**

Every vendor desiring to engage in mobile food vending shall make a written application to the Village Clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the Village Clerk and be accompanied by a fee established by resolution of the Village Council. Additionally, the applicant shall provide all documentation, such as insurance, as required by the Village.

**Sec. 46-67 Fees.**

An application for a license under this chapter shall be accompanied by a fee in the amount established by resolution of the Village Council. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the Village Clerk. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

**Sec. 46-68 Requirements.**

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

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (2) If operating on Village owned or controlled property, vendor may only locate on such property in locations as established by a resolution adopted by the Village Council. All mobile food vending trucks operating by invitation at a community event (approved by council), whether on public or private property, will be required to obtain the appropriate license(s) and pay the fee established by resolution of the Village Council. No mobile food vending trucks are allowed to operate on Village property during council approved Village events unless invited by event sponsor.
- (4) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (5) No vendor shall use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Village.
- (6) Vendors must comply with the Village's Nuisance Ordinance, Sign Ordinance and all other City ordinances.
- (7) Comply with all applicable federal, state and county regulations.
- (8) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within three (3)

- feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- (9) The hours of mobile food vending are between 7:00 A.M. and 11:00 P.M. Other restrictions regarding hours of operation may be established by resolution of the Village Council.
  - (10) A licensed mobile food vending unit may remain in a designated location for no more than 4 days at a given time and must be removed at least 24hrs before returning.
  - (11) Mobile food vending units shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended across any Village street, alley or sidewalk.
  - (12) Operation of mobile food vending trucks may only operate in non-residential zones and comply with all set-back regulations.

**Sec. 46-69 Duties of police.**

Police officers of the village shall require any vender operating, and who is not known by such officers to be duly licensed, to produce his vendor's license and shall enforce this article against any person found to be violating any of the provisions of this article.

**Sec. 46-70 Impoundment.**

Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

**Sec. 46-71 Other licenses.**

A license obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other license, or authorization required by any other ordinance, statute or administrative rule.

**Sec. 46-72 Revocation.**

(a) The Village Clerk shall revoke the license of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local 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) Immediately upon such revocation, the Village Clerk shall provide written notice to the license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void.

**Sec. 46-73 Complaints; appeals.**

If a written complaint is filed with the Village Clerk alleging a food vendor has violated the provisions of this chapter, the Village Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The 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. If a license is denied or revoked by the Village Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a license may appeal to and have a hearing before the Village Manager. The Village Manager shall make a written determination, after presentation by the applicant

and investigation by the Village Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the Village Manager determines that such grounds are supported by a preponderance of the evidence, the action of Village Clerk or filing of the complaint shall be sustained and the applicant may appeal the Village Manager's decision to a court of competent jurisdiction.

**Sec. 46-74 Violation and Penalty.**

A violation of this chapter is responsible for a municipal civil infraction and subject to fines as established by Village Council.

**Sec. 46-75 Conflicting Standards.**

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

**Sec. 46-76 Repeal; Savings Clause.**

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

**Sec. 46-77 Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Effect.**

This ordinance shall take effect twenty-one (21) days following its adoption and publication as provided by the Village Charter.

Adopted, enacted and ordained by the Village of Lexington Council on this 27th day of January 2020

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Kristen Kaatz  
Village President

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Beth Grohman  
Village Clerk