

# CITY OF MUSKEGON



## MOBILE FOOD VENDING APPLICATION

# Mobile Food Vending Application

Mobile food vending in the City of Muskegon is regulated by Chapter 50, Article VIII of the Code of Ordinances. Operation of a mobile food vehicle/trailer/stand on private property is also regulated by the Zoning Ordinance. Any person, including any religious, charitable or nonprofit organization, planning to operate a mobile food vehicle/trailer/stand in the City must obtain an annual permit from the City Clerk. Annual permits are valid from May 1 through April 30.

\* Required

Have questions? We are here to help. Here are the city departments involved in mobile food vending regulations.

City Clerk - (231) 724-6705

City Planning - (231) 724-6702

Fire Marshall - (231) 724-6793

Building Safety - (231) 724-6715

Business Name \*

Owner Name \*

Owner Address \*

Owner Telephone \*

Owner E-mail \*

Planned hours of operation \*

Planned places of operation \*

Number of Employees \*

List names and DOBs of each employee \*

Description of the type and size of the mobile food vehicle/trailer/stand and the goods to be sold. \*

Explain how gray water will be disposed of (if applicable). \*

Driver's License \*

I have attached a copy of my driver's license.

### Public Areas of Operation

By resolution of the City Commission, mobile food vending is permitted on the streets and public areas of the following districts: B-2, B-4, LR, WM, I-1, I-2, MC and all Form Based Code context areas except Urban Residential and Lakeside Residential. Please see the attached map. \*

I understand that if issued a mobile food vending license, I may only operate on public property or streets in the areas identified above.

### Private Property Operation

Areas for mobile food vehicles/trailers/stands to operate on private property is set by the Zoning Ordinance. Mobile food vendors wishing to operate on private property must obtain a temporary zoning permit from the City Planning Department. \*

I do not wish to operate on private property and will only operate on permitted public property.

I wish to operate on private property for 1-89 days and have applied for a temporary zoning permit.

I wish to operate on private property for up to 1 year and have applied for a temporary zoning permit.

A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. \*

- I have attached a copy of written consent to operate on private property.
- Not Applicable - Operating on Public Property Only

## Regulations

All vendors receiving a mobile food vending license shall pay an annual fee set by the fee resolution. The fee is not prorated for a partial licensing year. Please mark your current status and make the applicable payment to the City of Muskegon. \*

- \$300 - Non-Brick and Mortar Restaurant
- \$150 - Existing Brick and Mortar Restaurant
- \$50 - Existing Brick and Mortar Restaurant in Muskegon's Downtown Targeted Development Area
- \$50 - Taste of Muskegon Participant

No person shall operate or conduct, maintain or manage any business establishment, or carry on business activity within the corporate limits of the city without first obtaining a certificate of registration. \*

- My business is registered in the City of Muskegon and I have paid my annual \$35 fee.
- I am not registered as a business in the City of Muskegon and have included the application and \$35 fee with this application.

All vendors shall receive written consent of fire safety compliance from the Muskegon Fire Department and code compliance from the Building Safety Department. \*

I have received the required inspection from the Muskegon Fire Department and proof is attached.

I have reviewed the required code regulations from the Building Safety Department will abide by all requirements.

Proof of insurance in the amount of \$1,000,000 naming the city as additional insured is required. \*

I have attached a copy of the insurance.

A license obtained by the City shall not relieve any vendor of the responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute or administrative rule. This includes Health Department requirements. \*

I have attached a copy of my Health Department license.

A vendor shall not operate on public or private property within 1,000 feet of any city approved special event, farmer's market during market hours, or leased park, unless the vendor has obtained permission from the event sponsor and or lessee. This license also does not allow for the sale of goods or services at any city-owned park/facility or farmer's market without a separate permit from the city. \*

I certify I will abide by this regulation.

Mobile food vehicles/trailers/stands shall not be parked within 100 feet of an existing brick and mortar restaurant's lot line (as measured from the service window to the lot line) during the hours when such restaurant is open to the public for business, or closer than 50 feet from another approved mobile food vehicle/trailer/stand unless the vendor has obtained permission from the restaurant or mobile food vehicle/trailer/stand. \*

I certify I will abide by this regulation.

Unless granted temporary approval by the City Clerk, a mobile food vehicle/trailer/stand shall not be parked on the street or public property between the hours of 3:00 a.m. and 6:00 a.m. or left unattended and unsecured at any time. Any mobile food vehicle/trailer/ stand found to be unattended shall be considered a public safety hazard and may be ticketed and impounded. \*

I certify I will abide by this regulation.

If approved, a license is valid for one vehicle/trailer/ stand only, shall be prominently displayed, and shall not be transferred between vehicles. \*

I certify I will abide by this regulation.

Mobile Food Vending Ordinance \*

I certify that I have reviewed the entire Mobile Food Vending Ordinance and will abide by the rules as stated in the ordinance.

I certify the above information is true and correct to the best of my knowledge and understand the City Clerk may deny or revoke this license if I fail to meet any requirement of the ordinance or violate any other federal, state or local law, make a false statement on this application, or takes part in any activity adverse to the protection of the public health, safety and welfare.

Signature \*

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### Staff Use Only

- Completed Application
- Business is Registered in the City of Muskegon
- Copy of Driver's License
- Photos of Food Truck/Trailer/Stand
- Public Property Only
- Private and Public Property - Temporary Zoning Permit Issued
- Written Permission from Private Property or Business Owner
- Copy of Insurance
- Payment Received
- Fire Department Approval
- Building Safety Approval
- Approved
- License Printed
- Denied





**CITY OF MUSKEGON  
BUSINESS REGISTRATION APPLICATION  
\$35.00 REGISTRATION FEE**

Enclose the Fire Safety Audit Worksheet with the application. If you are non-profit, please enclose a copy of your Non-Profit Status for waiver of fee. Return all correspondence to Clerk Office, 933 Terrace St., Muskegon MI 49440.

**PLEASE TYPE OR PRINT -FOR QUESTIONS CALL; (231) 724-6705**

<b>BUSINESS NAME:</b>		<b>Check one box only:</b>	
		<input type="checkbox"/> Individual	<input type="checkbox"/> Corp
		<input type="checkbox"/> Non-Profit	<input type="checkbox"/> LLC
		<input type="checkbox"/> Other (Explain)	<input type="checkbox"/> Partnership
			<input type="checkbox"/> Government
			<input type="checkbox"/> Single Member LLC *
<b>COMPLETE COMPANY NAME:</b>			
<b>TYPE OF BUSINESS CONDUCTED:</b>			
<b>FEIN#</b>	<b>HOURS OF OPERATION:</b>	<b>NUMBER OF EMPLOYEES:</b>	
<b>BUSINESS PHONE:</b>		<b>START-UP-DATE:</b>	
<b>MAILING ADDRESS (for renewal and correspondence):</b>			
<b>Number and Street:</b>			
<b>City, State, Zip:</b>			
<b>PHYSICAL ADDRESS OF BUSINESS IN MUSKEGON:</b>			
<b>Number and Street:</b>			
<b>City, State, Zip:</b>			
<b>OWNER/MANAGER:</b>		<b>TITLE:</b>	
<b>DRIVER'S LICENSE NUMBER:</b>		<b>EMAIL:</b>	
<b>RESIDENCE ADDRESS:</b>		<b>HOME TELEPHONE:</b>	
<b>Number and Street:</b>			
<b>City, State, Zip:</b>		<b>BUSINESS TELEPHONE:</b>	
<b>EMERGENCY CONTACT:</b>			
<b>Name:</b>			
<b>Address:</b>		<b>Phone:</b>	

I certify that the above information is correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## City of Muskegon Planning & Zoning Application

Planning Commission*	Zoning Board of Appeals* (2-page application)
<input type="checkbox"/> Amendment to Ordinance (\$500)	<input type="checkbox"/> Variance (\$200 Residential/ \$400 Commercial/Industrial)
<input type="checkbox"/> Rezoning (\$500)	<input type="checkbox"/> Ordinance Interpretation (\$200 Res./ \$400 Com./Ind.)
<input type="checkbox"/> Special Use Permit (\$500)	<input type="checkbox"/> Zoning Appeal (\$200 Residential or \$400 Com./Ind.)
<input type="checkbox"/> PUD - Preliminary (\$500)	<input type="checkbox"/> Special Meeting (\$400 additional)
<input type="checkbox"/> PUD - Final (\$500)	<b>Site Plan Review*</b>
<input type="checkbox"/> PUD - Amendment (\$500)	<input type="checkbox"/> Staff Review - Minor (\$200)
<input type="checkbox"/> Vacation - Alley or Street (\$500)**	<input type="checkbox"/> Staff Review - Major (\$400)
<input type="checkbox"/> Special Meeting (\$500 additional)	<input type="checkbox"/> Planning Comm. Review (\$500)
<input checked="" type="checkbox"/> Temporary Zoning Permit: ___89 days or less (no fee) OR ___90 days-1 yr (\$100 / \$500 w/public hrg)	

\*Application fees are non-refundable

\*\*Alley / Street vacations require 90 days advance notice

Address/Location of Subject Property: \_\_\_\_\_

Current Zoning & Use of Subject Property: \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_ Organization \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone : \_\_\_\_\_ Alt. Phone : \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

*I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby grant permission for members of the City of Muskegon (Planning Commission / Zoning Board of Appeals / City Commission / Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant is the:  Owner  Lessee  Contractor/Architect  Other: \_\_\_\_\_

**If the applicant is not the owner of the property, complete the following:**

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Signature: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Explanation of Request: \_\_\_\_\_

If application is for a Special Use Permit or Planning Commission Site Plan Review, please attach sixteen (16) copies of a complete site plan. If application is for a Planned Unit Development, please attach nineteen (19) copies of a complete site plan. If application is for a Staff Site Plan Review, please attach six (6) copies of a complete site plan.

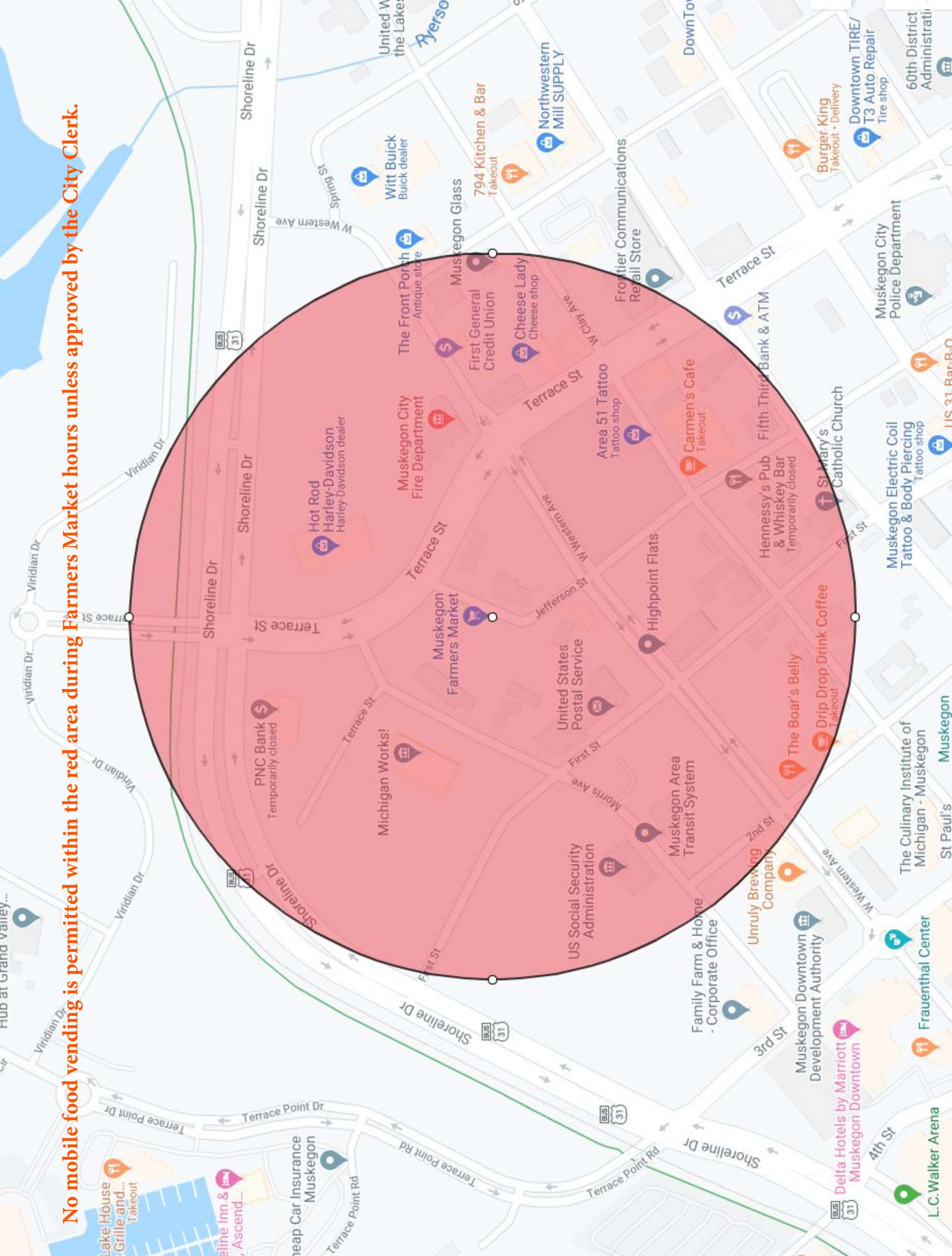
**TO BE COMPLETED BY CITY:**

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_

Paid by: Cash  Credit  Check  check number / amount: \_\_\_\_\_

Meeting date (if applicable): \_\_\_\_\_ ZBA  PC

No mobile food vending is permitted within the red area during Farmers Market hours unless approved by the City Clerk.



**City of Muskegon  
Muskegon, Michigan  
Ordinance No. 2435**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

**Mobile Food Vending Ordinance.**

Chapter 50, Article VIII, Mobile Food Vending Ordinance, Sections 50-303 through 50-305, of the Code of Ordinances of the City of Muskegon is amended and adopted as follows:

**Sec. 50-301. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Mobile food stand* means a stand which may upon issuance of a license by the city clerk and conformance with the regulations established by this article may temporarily park and engage in the service, sale, or distribution of ready to eat food for individual portion service to the general public directly from the stand.

*Mobile food trailer* means a vehicle which may upon issuance of a license by the city clerk and conformance with the regulations established by this article may temporarily park and engage in the service, sale, or distribution of ready to eat food for individual portion service to the general public directly from the trailer.

*Mobile food vehicle* means a motorized vehicle which may upon issuance of a license by the city clerk and conformance with the regulations established by this article may temporarily park and engage in the service, sale, or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

*Mobile food vehicle vendor* means the registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this article as "vendor".

**Sec. 50-302. Scope.**

The provisions of this article apply to mobile food vehicles/trailers/stands engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces. This article does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 30 minutes at a time, such as ice cream trucks.

**Sec. 50-303. License required.**

- (a) It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the city a mobile food vehicle/trailer/stand without having obtained from the city clerk a license for that purpose.
- (b) A person desiring to operate a mobile food vehicle/trailer/stand shall make written application for such license to the city clerk. The application for a license shall be on forms provided by

the city clerk.

- (c) Proof of insurance in the amount of \$1,000,000.00 naming the city as additional insured must be provided.
- (d) Proof of permission from the property or business owner shall be provided for any mobile food vehicle/trailer/stand operating on private property.
- (e) All vendors receiving a license under this article shall pay the annual fee as set by the fee resolution.
- (f) All vendors shall receive written consent of fire safety compliance from the Muskegon Fire Department and code compliance from the Building Safety Department.
- (g) A license is valid for one vehicle/trailer/ stand only, shall be prominently displayed, and shall not be transferred between vehicles.
- (h) A license obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute or administrative rule.

**Sec. 50-304. Regulations.**

- (a) No operator of a mobile food vehicle/trailer/ stand shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate. Areas for mobile food vehicles/trailers/stands to operate on private property shall be set by the Zoning Ordinance. The city commission shall by resolution identify those streets and public areas where parking by mobile food vehicles/trailers/stands is permitted.
- (b) The customer service area for mobile food vehicles/trailers/stands shall be on the side of the truck that faces a curb, lawn or sidewalk when parked on a street or right-of-way. No food service shall be provided on the driving lane side of the vehicle/trailer/stand when parked on a street or right-of-way. No food shall be prepared, sold, or displayed outside of mobile food vehicles/trailers/ stands when located on a city street or right-of-way.
- (c) No mobile food stand may be larger than ten feet by ten feet nor more than 75 square feet in size. A five foot clearance must be maintained on all sides of the stand within the maximum space allotted.
- (d) Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles/trailers/stands shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- (e) No mobile food vehicle/trailer/stand shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles/trailers/stands shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- (f) Signage is only allowed when placed on mobile food vehicles/trailers/stands. No separate freestanding signs are permitted on city streets, right-of-ways, or city-owned property.

(g) No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles/trailers/stands or related signage when the vehicle/trailer/stand is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(h) Mobile food vehicles/trailers/stands when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

(i) Unless granted temporary approval by the city clerk, a mobile food vehicle/trailer/stand shall not be parked on the street or public property between the hours of 3:00 a.m. and 6:00 a.m. or left unattended and unsecured at any time. Any mobile food vehicle/trailer/stand found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(j) A vendor shall not operate on public or private property within 1,000 feet of any city approved special event, farmer's market during market hours, or leased park, unless the vendor has obtained permission from the event sponsor and or lessee. This license also does not allow for the sale of goods or services at any city-owned park/facility or farmer's market without a permit from the city.

(k) The issuance of a mobile food vehicle/trailer/stand license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

(l) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle/trailer/stand until a license has been obtained to allow for such use.

(m) No mobile food vehicle/trailer/stand shall use external signage, bollards, seating or other equipment not contained within the vehicle when parked on city streets or right-of-ways. When extended, awnings for mobile food vehicles/trailer/stand shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.

(n) Any power required for the mobile food vehicle/trailer/stand located on a public way shall be self-contained and a mobile food vehicle/trailer/stand shall not use utilities drawn from the public right-of-way. Mobile food vehicles/trailers/stands on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any city street, alley sidewalk, or right-of-way.

(o) Mobile food vehicles/trailers/stands shall not be parked within 100 feet of an existing brick and mortar restaurant's lot line (as measured from the service window to the lot line) during the hours when such restaurant is open to the public for business, or closer than 50 feet from another approved mobile food vehicle/trailer/stand unless the vendor has obtained permission from the restaurant or mobile food vehicle/trailer/stand.

#### **Sec. 50-305. Complaints, Revocation, and Appeals.**

- (a) If a written complaint is filed with the city clerk alleging that a vendor has violated the provisions of this Chapter, the city 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 truthfulness of the complaint. During the investigation, the vendor shall be invited to respond to the complaint, present evidence and respond to any evidence discovered during the investigation. If the city clerk, after reviewing all relevant material, finds the complaint is supported by a preponderance of the evidence, the city clerk shall certify the complaint.
- (b) The city clerk may revoke the permit of any vendor who fails to meet any requirement of this Chapter or violates any other federal, state or local law, makes a false statement on their application, or takes part in any activity adverse to the protection of the public health, safety and welfare. Immediately upon such revocation, the city clerk shall provide written notice to the vendor by certified mail to their place of Business or residence as indicated on the application. Immediately upon such revocation the permit shall become null and void.
- (c) If a license is denied or revoked by the city clerk, the vendor may appeal to and have a hearing before the City Manager. Within 30 days, the city manager shall make a written determination, after presentation by the vendor and the city clerk as to whether or not the grounds for denial, revocation or complaint are valid. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the city clerk or filing of the complaint shall be sustained. The applicant or licensee may then appeal the City Manager's decision to a court of competent jurisdiction.

Absent: None  
Adoption Date: August 11, 2020  
Effective Date: August 28, 2020  
First Reading: July 28, 2020  
Second Reading: August 11, 2020

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Marie Meisch, MMC, Its Clerk

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2434

An ordinance to amend Section 2324 of the Zoning Ordinance to allow mobile food vending as a temporary use permitted.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

**NEW LANGUAGE (additions in bold)**

SECTION 2324: TEMPORARY BUILDINGS, STRUCTURES AND USES

**I. Mobile Food Vending: Mobile food vending options permitted by City Ordinance Sec. 50-301 thru 50-304 may be temporarily located in B-2, B-4, LR, WM, I-1, I-2 districts and all Form Based Code context areas except Urban Residential and Lakeside Residential; under the following conditions:**

- (1) Food trucks and trailers must be placed at least ten feet away from any principal structure and at least five feet from any lot line. They may be placed on grass, pavement or in the parking lot, but may not impede proper vehicular flow on the site.**
- (2) Trash receptacles must be located on site.**
- (3) Permits for mobile food vending between 1 and 89 days will be reviewed administratively.**
- (4) Permits for mobile food vending between 90 days and one year will require the notification of all properties within 300 feet. If no concerns are received within 15 days, the permit application will be reviewed administratively. If there are concerns, a public hearing at the Planning Commission will be required. Administrative and Planning Commission reviews must use the following review standards:
  - i. Will the use contribute to the vitality and experience of the business district?**
  - ii. Will the use support or detract from existing brick and mortar establishments?**
  - iii. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?**
  - iv. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?**
  - v. Will the proposed mobile food vendor contribute to the general aesthetic of the business district and include high quality materials and finishes?****



This ordinance adopted:

Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

Adoption Date: August 11, 2020

Effective Date: August 28, 2020

First Reading: July 28, 2020

Second Reading: August 28, 2020

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk