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CITY OF EAST LANSING, MICHIGAN

**NOTICE OF ADOPTION
ORDINANCE 1510**

**AN ORDINANCE TO ESTABLISH NEW REGULATORY REQUIREMENTS AND
ADMINISTRATIVE PROCEDURES FOR OPERATING MOBILE FOOD VENDING
UNITS IN THE CITY OF EAST LANSING**

The City of East Lansing ordains:

ARTICLE III. PEDDLERS, SOLICITORS, MOBILE FOOD VENDORS, TRANSIENT FOOD
MERCHANTS AND TRANSIENT RETAIL MERCHANTS

DIVISION 1. GENERALLY

Sec. 8-131. 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:

Concessionaire means any person, whether a resident of the city or not, or any firm, partnership, corporation, whether organized for profit or not, or other business entity, who receives a license under the provisions of section 8-133(7) to sell or offer for sale goods, services, or merchandise from a temporary or portable structure or fixture at a specified location within the downtown business district.

Mobile Food Vending means vending, serving, or offering for sale food and/or beverages from a mobile food vending unit.

Mobile Food Vending Unit means any motorized or nonmotorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground, from which food is prepared onsite and vended, served, or offered for sale.

Operate means activities associated with the conduct of a mobile food vending business, including setup and take down and/or actual hours where the mobile food vending unit is open for business.

Mobile Food Vendor means any individual engaged in the business of mobile food vending; if more than one individual is operating a motorized or nonmotorized vehicle, trailer, stand, cart, or other device designed to be portable, then "vendor" shall mean all individuals operating such motorized or nonmotorized vehicle, trailer, stand, cart, or other device designed to be portable.

Peddler means any person, whether a resident of the city or not, or any firm, partnership, corporation, whether organized for profit or not, or other business entity, who travels by foot, wagon, cart, motor vehicle, or other conveyance, from place to place, carrying, selling or offering for sale, goods, services, or merchandise, or who without traveling from place to place,

sells or offers the same for sale from a motor vehicle, wagon, trailer, railroad car, or other vehicle, or conveyance, or from a cart, stand, booth, display case, or other temporary portable structure or fixture. The term "peddler" shall include "hawker" and "huckster" and shall include route salespersons selling randomly to customers along a fixed route, but not route salespersons supplying only prior customer orders.

Solicitor means any person, or any firm, partnership, profit or nonprofit corporation, or other business entity who travels by foot, motor vehicle, or other conveyance from place to place seeking to obtain orders for the purchase of goods, services, or subscriptions for future delivery or performance, or who, without traveling from place to place, solicits the same from a motor vehicle or other conveyance or from a stand, cart, booth, or other temporary or portable structure or fixture, but not wholesalers or jobbers supplying only retail establishments.

Transient Food Merchant means any motorized or nonmotorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground, from which prepackaged food is vended, served, or offered for sale.

Transient retail merchant means any natural person, or any firm, partnership, profit or nonprofit corporation, or any other business entity engaged in the retail sale or delivery of goods or services from any lot, premises, building, room, or structure on a temporary basis where such person does not have a permanent business location within the city that is subject to the city's real or personal property taxes for the current year.

(Code 1994, ch. 73, § 7.51)

Cross reference(s)—Definitions generally, § 1-7.

Sec. 8-132. Conduct of business generally.

- (a) Mobile food vendors and transient food/retail merchants must be licensed or obtain a permit to operate within the city of East Lansing.
- (b) All persons licensed under this article and each of their agents or employees are required to exhibit their licenses, upon request, to any private citizen or police officer.
- (c) Any licensee using any cart, wagon, motor vehicle, or other conveyance, when stopping upon the streets or public places of the city for the purposes of conducting business shall draw up to and parallel with the curb line and in such a manner so as not to obstruct vehicle or pedestrian travel.

(Code 1994, ch. 73, § 7.55)

Sec. 8-133. Prohibited practices.

The following conduct by any licensee shall be considered in violation of this Code and, in addition to the penalties provided by section 1-12 of the Code, may result in the suspension, revocation, or denial of the holder's license:

- (1) Entering a private residence under pretense other than for soliciting or peddling.
- (2) Remaining in a private residence or on the premises thereon after the owner or occupant thereof has requested any such person to leave.

- (3) Going in and upon the premises of a private residence to solicit or peddle when the owner or occupant thereof has displayed a "no soliciting" or "no peddling" sign on such premises. Such signs shall be conspicuously displayed at or near the main entrance to the premises, but shall not exceed one square foot in surface display area.
- (4) Soliciting or peddling at a private residence prior to 9:00 a.m. and after 9:00 p.m. unless by prior invitation of the occupant.
- (5) Soliciting or peddling on a street or within an area which has been closed by council resolution for an art fair, street fair, or other special event, except where special permits are issued in accordance with standards established by city council.
- (6) Shouting, or calling wares, or using a public address system, horn, bells, or other noisemaking device to call attention to the licensee's business in such a way as to disturb residents or adjacent businesses.
- (7) Occupying any space for the purpose of peddling, soliciting, mobile food vending, or as a transient merchant on any public place, streets, or adjacent public rights-of-way within business districts, except as follows:
 - (a) A mobile food vending unit license may be granted by resolution of the city council or by the city manager pursuant to guidelines approved by city council within appropriate areas of the public rights-of-way or other city-owned property located in zoning districts B1-General Office Business, B2-Retail Sales Business, B3-City Center Commercial, B4-Restricted Office Business, B5-Community Retail Sales Business, OIP - Office Industrial Park, C-Community Facilities, and any other property owned by the City and used as a public park regardless of zoning district. Mobile food vending units shall be limited to locations and times, as established in an approved mobile food vending unit license application, and a fee shall be paid by each mobile food vendor in an amount to be established by council by resolution.
 - (b) If a registered neighborhood association has received a permit for a block party under Section 38-37, then the neighborhood association may allow two or fewer mobile food vending units to operate for up to four hours during the block party. A neighborhood association may only have mobile food vending units at 12 block parties during each calendar year. A mobile food vending unit operating under this subsection must first receive a special event mobile food vending permit from the City and pay any applicable fee established by resolution of the City Council but is not required to obtain a mobile food vending unit license under subsection (a) above.
 - (c) A special event mobile food vending permit may be granted by the city manager or their designee to operate a mobile food vending unit at a City sponsored event. Special event mobile food vending units shall be limited to locations and times established in an approved special event mobile food vending unit permit application, and a fee shall be paid by each mobile food vendor in an amount to be established by council but is not required to obtain a mobile food vending unit license under subsection (a) above.
 - (d) A transient food merchant permit may be granted by the city manager or their designee pursuant to guidelines and fees approved by city council.

- (8) No licensee shall sell or offer for sale any goods or services in any city park unless he/she shall first obtain a license as required in chapter 28, article II of this Code, pertaining to use of parks, or a mobile food vending unit license for any city park pursuant to subsection (7) of this section.

(Code 1994, ch. 73, § 7.56; Ord. No. 1315, 11-6-2013)

Secs. 8-134—8-150. Reserved.

DIVISION 2. MOBILE FOOD VENDING LICENSE

Sec. 8-151. Required.

It shall be unlawful for any person to engage in the business of a peddler, solicitor, transient food merchant, or mobile food vending unit within the limits of the city, except as provided at subsections (1) through (5) of this section, without first having obtained a license therefor issued by the city clerk.

- (1) Any person engaged in the retail sale of goods, wares, merchandise, or services at a permanent location in the city and subject to the city's ad valorem real or personal property taxes shall not be required to obtain a license or permit to sell as a transient merchant at any other location within the city, but shall be required to comply with every other provision of this article regulating such activity.
- (2) Any individual engaged in the business of mobile food vending at a city sponsored special event, the East Lansing Farmers Market, East Lansing Art Festival, or any other special event or program facilitated by or sponsored by the City of East Lansing must obtain approval by the city manager or their designee per Policy Resolution 2021-18.
- (3) A mobile food vendor license is not required for mobile food vending units from which only pre-packaged food is vended, served, or offered for sale. The Transient Food Merchant Permit program will administer mobile food vending units from which prepackaged food is vended, served, or offered for sale per Policy Resolution 2021-18.
- (4) A transient retail merchant is not required to obtain a license or permit for the retail sale of goods, wares, merchandise, or services at a city sponsored special event, including the East Lansing Farmers Market, East Lansing Art Festival or any other special event or program facilitated by or sponsored by the City of East Lansing. A transient retail merchant shall be required to obtain approval from the city manager or their designee for the retail sale of goods, wares, merchandise, or services at a city sponsored special event, including the East Lansing Farmers Market, East Lansing Art Festival or any other special event or program facilitated by or sponsored by the City of East Lansing.
- (5) Any person under the age of 18 years of age, except that person under age 18 peddling or vending from a motor vehicle shall be required to obtain a license.
- (6) Those persons granted temporary use permits for the display and sale of products used for seasonal decoration pursuant to section 50-151 of this Code shall not be required to obtain a license, but shall be subject to all other provisions of this article.

- (7) Any person having credentials representing any recognized religious or charitable organization that has been granted a current license by the Michigan Attorney General under the provisions of the Charitable Organizations and Solicitors Act, Public Act No. 169 of 1975 (MCL 400.271 et seq.).
- (8) Those persons having credentials representing any locally established religious organization or school and which states that the entire proceeds of sale shall be paid over to said school or religious organization, or representing any newspaper of general circulation.

(Code 1994, ch. 73, § 7.52)

Sec. 8-152. Requirement of State License

Prior to issuance of a mobile food vending unit license, an applicant shall submit evidence of a license issued by the Ingham County Health Department or other regulatory public health authority. The evidence must be included as part of the mobile food vendor application

Sec. 8-153. Requirement of Safety Inspection Certification

Prior to issuance of a mobile food vending unit license, an applicant shall submit evidence of a safety inspection certificate issued by the East Lansing Fire Marshal and Electrical Inspector. The safety inspection certificate must be included as part of the mobile food vendor application.

The electrical inspection shall conform to the current NEC in order to reduce shock hazards. An annual safety inspection must be conducted by the East Lansing Fire Marshal and Electrical Inspector and a safety inspection certification submitted to the City Clerk's Office as part of the mobile vending unit license renewal application.

Sec. 8-154. Safety Inspection Fee.

A safety inspection fee shall be paid by the mobile food vendor or operator for each mobile food vendor unit license or annual renewal in an amount to be established by council.

Sec. 8-155. Applications Fees.

An application fee shall be paid for a mobile food vendor license application or annual mobile food vending unit license renewal application in an amount established by city council. There shall be no proration of fees. Fees are nonrefundable once a license is issued by the City Clerk's Office.

Sec. 8-156. Application.

Applicants for a license under this article shall file a verified application on a form prescribed by the city clerk per Policy Resolution 2021-18.

Sec. 8-157. Bond and fees required.

A financial assurance deposit in the amount of \$500.00 must be submitted to the City Clerk's Office prior to issuance of a mobile food vending unit license. Financial assurance will be reserved for any environmental cleanup required as a result of mobile food vending operations, including, but not limited to, the cleanup of grease, trash, paper, cups, cans, and any other environmental contamination associated with the mobile food vending operation.

A licensed mobile food vendor may submit a request to the City Clerk's Office to release the financial assurance deposit at any time. The City will conduct an inspection of the mobile food vendor location to determine site conditions, including, but not limited to, the cleanup of grease, trash, paper, cups, cans, and any other environmental contamination associated with the mobile food vending operation. The amount of financial assurance reimbursed to a mobile food vendor is contingent on the site conditions upon termination or expiration of the mobile food vending unit license and shall be determined by the Building Inspector.

A mobile food vending unit license is automatically terminated upon request to the City Clerk's Office to release the financial assurance deposit.

(Code 1994, ch. 73, § 7.54)

Sec. 8-158. Exemptions from fees and bonds.

The following persons, if not otherwise exempt from the license requirements under section 8-151(1) through (8), shall be exempt from the payment of license fees and the bond of this article, but shall be required to apply for and obtain a license and shall comply with all other provisions of this article:

- (1) Farmers or truck gardeners selling any products grown, raised, or produced by them.
- (2) Persons selling handicrafts, merchandise, or books or publications of their own make, construction, or authorship.

(Code 1994, ch. 73, § 7.57)

Secs. 8-159—8-180. Reserved.

DIVISION 2. SPECIAL EVENT MOBILE FOOD VENDING PERMIT

Sec. 8-181. Required.

It shall be unlawful for any person to engage in the business of a peddler, solicitor, transient food merchant, or mobile food vending unit at any City sponsored event or neighborhood association block party without first having obtained a permit therefor issued by the city clerk per Policy Resolution 2021-18.