



**CITY OF EAST LANSING**

**CITY COUNCIL**

**POLICY RESOLUTION NO. 2021- 18**

**POLICIES FOR MOBILE FOOD VENDING UNIT LICENSE PROGRAM**

**UNDER SECTION 8-1510 OF THE CITY CODE**

WHEREAS, the City Code currently authorizes food trucks to operate in the Downtown Development Authority District and Neighborhood Block Parties, subject to certain approvals and licensing requirements; and,

WHEREAS, an expanded and well-regulated mobile food vending program may activate the streetscape and increase vibrancy; and,

WHEREAS, mobile food vending has a relatively low barrier to entry and encourages entrepreneurship; and,

WHEREAS, increasing economic opportunities for people to support themselves and their families is a high priority for the City; and,

WHEREAS, regulating the sale of food and other merchandise in the public right of way and in parks is needed to protect public health, safety, and welfare.

NOW, THEREFORE, the City Council of the City of East Lansing resolves as follows:

**Section 1. Mobile Food Vending Unit License**

**1. Application process for mobile food vending unit license.**

The mobile food vending unit license application process is as follows:

1. Applicant shall obtain required State licensure from the Ingham County Health Department or any other applicable public health authority.
2. Applicant shall request a safety inspection with the East Lansing Fire Marshal and Electrical Inspector.
3. Applicant shall complete all sections and provide all applicable supporting documentation as part of the East Lansing Mobile Food Vending Unit License Application.
4. Applicant shall submit a complete application to the City Clerk's Office. No application shall be processed until it is complete.
5. The city manager or their designee will review applications for conformance with this Resolution and recommend approval or denial to the City Clerk.

6. Applicant shall be notified of license application approval or denial by the City Clerk's Office. The City Clerk may approve or deny an application pursuant to Section 8-133 of the City Code. Failure to meet the minimum requirements of this Resolution or otherwise comply with this Resolution is cause for denial of an application or suspension or revocation of a license.
7. Applicant must submit a financial assurance deposit to the city clerk's office in an amount set by council.

## **2. Application for mobile food vending unit license.**

An application for a mobile food vending unit license must include:

1. Contact information for food truck operator, including driver's license number.
2. License plate number for the food truck
3. A description of the type of food to be sold
4. Description of the proposed locations for operating the mobile food vending unit, including:
  - a. the identification and description of all businesses operating within 25 feet of the proposed locations,
  - b. the identification and description of all residential dwellings within 50 feet of the proposed locations,
  - c. the type of surface the mobile food vending unit will operate on, and
  - d. where customers will wait in line for mobile food vending services.
5. The proposed days and hours of operation of the food truck.
6. A description of how waste will be managed and disposed of, including grey water.
7. Description of power source used in vehicle (generator, propane, wood, etc.)
8. A map depicting the proposed location of the food truck.
9. If on private property, written permission from the property owner in which the mobile vending will occur.
10. A signed statement that the operation will meet all applicable local and state laws and comply with requirements of the Ingham County Health Department.
11. A copy of the license issued by the local health department where the food truck was originally permitted.
12. A copy of the Notification of Intent to Operate a Special Transitory Food Unit (food truck) provided to the Ingham County Health Department.
13. A copy of the safety inspection certificate issued by the City of East Lansing Electrical Inspector and Fire Marshal.
14. Proof of commercial liability insurance.
15. If proposing the installation of temporary seating and tables during mobile food vending operations, a site plan is required as part of the application package.
16. An application fee in the amount of \$225.

## **3. Locations.**

Mobile food vendors may operate in the following 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, and C-Community Facilities.

The locations available in zoning district C-Community Facilities are limited only to specific areas designated for mobile food vending by the city manager or their designee.

Unless written permission is obtained from the city manager or their designee, a mobile food vendor licensed under this Section shall not operate within 500 feet during the East Lansing Farmers Market, East Lansing Art Festival, or other special event or program facilitated by or sponsored by the City of East Lansing.

#### **4. Operating requirements for licensed mobile food vending units.**

A mobile food vending unit licensed under this Section shall meet the following operational compliance standards:

1. A mobile food vending unit must not be located within 20 feet of a licensed restaurant unless support from the licensed restaurant is provided in writing as part of the license application.
2. A mobile food vending unit shall be set back a minimum of 10 feet from any building or other mobile food vending unit.
3. A mobile food vending unit must only be onsite during operating hours approved in the application and must otherwise vacate the premises.
4. A mobile food vendor shall only operate a mobile food vending unit within the approved hours of operation specific to each zoning district or city sponsored event as follows:
  - a. B1-General Office Business (6:00 AM – 10:00 PM)
    - I. If within the Downtown Development Authority District Boundary:  
(6:00 AM – 12:00 AM)
  - b. B2-Retail Sales Business (6:00 AM – 10:00 PM)
    - I. If within the Downtown Development Authority District Boundary:  
(6:00 AM – 12:00 AM)
  - c. B3-City Center Commercial (6:00 AM – 12:00 AM)
  - d. B4-Restricted Office Business (6:00 AM – 10:00 PM)
  - e. B5-Community Retail Sales Business (6:00 AM – 10:00 PM)
  - f. OIP - Office Industrial Park (6:00 AM – 10:00 PM)
  - g. C-Community Facilities (facility's operational hours)
  - h. Any city owned park regardless of zoning designation (facility or event specific)
  - i. City Sponsored Events (event specific)
5. A licensed mobile food vendor may operate a mobile food vending unit up to 7 days per week under this Section. A mobile food vendor shall operate only on the days and hours of the week according to the operating schedule indicated on the East Lansing Mobile Food Vending Unit License Application. The mobile food vending unit must only be onsite during operating hours approved in the application and must otherwise vacate the premises

Unless written permission is obtained from the city manager or their designee, a mobile food vendor licensed under this Section shall not operate a mobile food vending unit within 500

feet during the East Lansing Farmers Market, East Lansing Art Festival, or other special event or program facilitated by or sponsored by the City of East Lansing.

6. Mobile food vending units must locate on an improved parking surface. Mobile food vendors shall not operate on trails, dirt paths or other surfaces that have not been improved.
7. Mobile food vending units when parked on a street, alley, or roadway, must be parked in conformance with applicable parking regulations and must not hinder the lawful parking or operation of other vehicles.
8. Mobile food vending units must not be located in a manner that blocks a public sidewalk or pathway or designated fire lane, or otherwise impedes pedestrian or vehicular movement.
9. No alcohol is allowed to be sold from mobile food vending units.
10. No banners, streamers, flags, flashing lights, blinking lights, or strobe lights shall be permitted on the mobile food vending unit or on the portion of the site where the mobile food vending unit is parked, unless expressly allowed elsewhere in the Code of Ordinances.
11. Mobile food vendors are required to provide trash receptacles for their operation (minimum 48-gallon size) and provide proper disposal of trash and waste associated with their operation. A minimum of one trash can must be provided but more may be needed to adequately serve their operation. Recycling containers shall also be provided for any containers that are recyclable.
12. Mobile food vendors must keep clean the subject property where they operate, including rights of ways within 25-feet of the subject property of their operation. This includes grease, trash, paper, cups, cans and any other items associated with the vending operation.
13. No amplified music, speakers or other noise is allowed as part of the mobile food vending operation. Food trucks must comply with the City Code, including the City's Noise Ordinance (Section 26-81).
14. All exterior lighting associated with the mobile food vending unit, whether on the mobile food vending unit itself or placed on the site where the mobile food vending is occurring, shall be shielded to direct the illumination downward.
15. No tables and seating shall be placed in the public right-of-way and in parks for mobile food vending operations.
16. Any tables and seating infrastructure proposed for use on private property for mobile food vending unit operations requires a site plan approved by the Planning & Zoning Administrator.

## **5. Inspections.**

Prior to issuance of a mobile food vendor 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.

## **6. Indemnity and Insurance.**

Licensee shall, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of the public right of way. The Licensee shall obtain and maintain during the term of the license a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$1,000,000 per occurrence. A certificate of insurance naming the City as an additional insured shall be filed by licensee with the approved application. The certificate shall provide that the City will receive 30 days prior written notice of cancellation or non-renewal.

## **Section 2. Special Event Mobile Food Vending Permit**

1. Application process for special event food vending permit.

A special event food vending permit shall be subject to approval by the city manager or their designee.

2. Application for special event food vending permit.

An application for a special event food vending permit must include:

- a. Contact information for food truck operator, including driver's license number.
- b. License plate number for the food truck.
- c. The name and location of the special event.
- d. A description of the type of food to be sold.
- e. The date or dates of the special event.
- f. The hours of operation the mobile food vending unit will operate during the special event.
- g. A mobile food vending unit must only be onsite during operating hours approved in the application and must otherwise vacate the premises.
- h. A description of how waste will be managed and disposed of, including grey water.
- i. Description of power source used in vehicle (generator, propane, wood, etc.)
- j. A signed statement that the operation will meet all applicable local and state laws and comply with requirements of the Ingham County Health Department.

- k. A copy of the license issued by the local health department where the food truck was originally permitted, or a copy of the Temporary Food Establishment License Application submitted to the Ingham County Health Department
  - l. If applying for a special event mobile food vending unit permit to operate a mobile food vending unit at a neighborhood association block party, then a copy of the letter received from a neighborhood association authorizing the block party.
  - m. Copy of proof of commercial liability insurance.
3. Operating requirements for mobile food vending units during special events:
- a. A mobile food vending unit must only be onsite during operating hours approved in the application and must otherwise vacate the premises.
  - b. A food truck, when parked on a street, alley, or roadway, must be parked in conformance with applicable parking regulations and must not hinder the lawful parking or operation of other vehicles.
  - c. The food truck must not be located in a manner that blocks a public sidewalk or pathway or designated fire lane, or otherwise impedes pedestrian or vehicular movement.
  - d. Food trucks must be well-maintained and be kept clean.
  - e. Food trucks must comply with the City Code, including the City's Noise Ordinance (Section 26-81).
  - f. Unless provided by the City during a City sponsored event, each food truck must provide its own waste receptacles; keep/leave the location and immediate surrounding area clean and free from trash and litter; and keep grey water and/or fats, oils, and greases out of the storm sewer system
4. Indemnity and Insurance: Each approved food truck operator must, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of the public right of way and its operation in the City. The food truck operator must obtain and maintain a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$300,000 per occurrence. A certificate of insurance naming the City as an additional insured must be filed with the City before the date of the block party. The certificate must provide that the City will receive 30 days prior written notice of cancellation or non-renewal.