

VILLAGE OF BIRCH RUN
COUNTY OF SAGINAW, MICHIGAN

Minutes of a regular meeting of the Village Council of the Village of Birch Run, Saginaw County, Michigan, held at the Village Hall located at 12060 Heath Street, Birch Run, Michigan, on the 23rd day of October, 2023, at 7:00 p.m. Local Time.

PRESENT: COOK, WHITE, NELSON, STAFFORD, KNIGHT

ABSENT: none

The following ordinance was offered by STAFFORD and supported by KNIGHT.

ORDINANCE NO. 10-2023

AN ORDINANCE TO AMEND THE VILLAGE OF BIRCH RUN CODE OF ORDINANCES

[Chapter 111: Permits]

THE VILLAGE OF BIRCH RUN ORDAINS:

The Village of Birch Run Code of Ordinances is hereby amended to add Food Truck Permit, section 111.40 to 111.46 as follows:

§ 111.40 PURPOSE.

(A) To provide a framework under which mobile food vendors shall operate in the Village of Birch Run.

§ 111.41 DEFINITIONS.

(A) For the purposes of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

(B) Unless specifically defined below, words or phrases used in this subchapter shall be interpreted so as to give them the meaning they have in common usage and to give this subchapter its most reasonable application.

MOBILE FOOD VENDING. Vending, serving, or offering for sale food, beverages, and/or related merchandise from a Mobile Food Vending Unit which meets the definition of a food service establishment under Public Act 92 of 2000, as amended, which may include the ancillary sales of branded items consistent with the food, such as tee shirts that bears the same name of the organization engaged in Mobile Food Vending, or other similar merchandise.

MOBILE FOOD VENDING UNIT. Any motorized or non-motorized stand, trailer, vehicle, or other device designed to be portable from which food, beverages, and/or related merchandise is vended, served, or offered for sale.

OPERATE. All activities associated with the conduct of business, including set up and take down as well as actual hours where the mobile vending unit is open for business.

SPECIAL EVENT. Any event operated on Village property or public rights-of-way, pursuant to approval of the Village Council.

VENDOR. Any person, firm, partnership, association, corporation, company, or organization of any kind engaged in the business of Mobile Food Vending; if more than one individual is operating a single Mobile Food Vending Unit, then it shall mean all individuals operating such single unit.

§ 111.42 PERMIT REQUIRED; DURATION; NON-TRANSFERABILITY.

(A) It shall be unlawful for any person, firm, partnership, association, corporation, company, or organization of any kind to engage in Mobile Food Vending within the corporate limits of the Village of Birch Run without a permit issued, pursuant to this subchapter. The Village Clerk shall prescribe the form of such permits and the application thereof. A permit, once obtained, shall be prominently displayed on the Mobile Food Vending Unit that it authorizes.

(B) Permits issued under this subchapter shall be valid for the time period for which they are issued. Such permits shall be non-transferable.

§ 111.43 APPLICATION; FEE.

(A) Every Vendor desiring to engage in Mobile Food Vending shall be required to complete and file a Village of Birch Run Food Truck Permit Application at least 14 days prior to initial date of engaging in Mobile Food Vending. The applicant shall truthfully state, in full, all information requested by the Village and be accompanied by a fee established by resolution of the Village Council. Additionally, the applicant shall provide documentation, such as insurance, as required by the Village. The Food Truck Permit Application form shall be approved by the Village Council.

(B) Fees for an application made under this subchapter and for a permit issued under this subchapter shall be charged at the time of application. The fee shall be established by resolution of the Village Council.

(C) A current food service license issued by Saginaw County is required to be maintained as a condition of any permit under this subchapter.

(D) No Mobile Food Vending Unit may serve alcoholic beverages or other intoxicants.

§ 111.44 STANDARDS.

(A) Every Vendor engaging in Mobile Food Vending shall comply with the following standards:

1. Appropriate waste receptacles for public use shall be provided at the site of the unit and all litter, debris, and any other waste attributable to or generated by the operation shall be collected and properly disposed of off-site each day. Gray water may not be dumped on the public street. Spills of food or byproducts shall be cleaned up not less than once every four hours.
2. If operating on Village property or public rights-of-way, a Vendor may only locate on such property as approved by the Village Council.
3. No Vendor may use flashing or blinking lights, string lights, or strobe lights; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
4. No Vendor may 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.
5. Vendor’s shall comply with the Village’s Noise Ordinance, Zoning Ordinance, and all other Village Ordinances and all applicable federal, state, and county regulations.
6. Notwithstanding anything to the contrary in the Village’s Sign Ordinance, a Mobile Food Vendor may have such signs as are permanently affixed to the unit and one portable sign that is no greater than six square feet in area, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; and under no circumstances placed upon the sidewalk or so as to impede pedestrian and/or vehicular traffic. No signs used in connection with a unit may be animated, flash, blink, or move, and any illumination shall comply with the lighting standards above.
7. A Mobile Food Vending Unit may only operate in commercial areas between the hours of 8:00am and 11:00pm, unless the Mobile Food Vending Unit is participating in a Special Event. A Mobile Food Vending Unit may not operate in residential areas.
8. No Vendor shall represent that the granting of a permit under this subchapter is an endorsement by the Village.
9. A Vendor 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 at or across any public street, alley, or sidewalk except in a safe manner.
10. A Mobile Food Vending Unit must operate in an outdoor location.
11. No Mobile Food Vending Units shall use external bollards, seating, or other equipment not contained within the unit when parked on public streets, rights-of-way, or Village property, unless the Mobile Food Vending Unit is participating in a Special Event. When extended, awnings for Mobile Food Vending Units shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
12. A Mobile Food Vending Unit shall not operate on private property without first obtaining written consent to operate from the property owner and/or party lawfully in control thereof.

§ 111.45 REVOCATION OF THE PERMIT.

(A) The permit will be revoked by any Vendor who ceases to meet the requirements of this subchapter or violates any other federal, state, county, or local regulation, or who has made a false statement on their application, or who operates in a manner that is adverse to the protection of the public health, safety, and welfare, pursuant to the procedure set forth herein.

§ 111.46 ENFORCEMENT.

(A) Any violation of this subchapter or violation of any condition of a permit issued pursuant to this subchapter constitutes a municipal civil infraction subject to the payment of a civil fine as set forth in Chapter 35.

(B) In the case of a continued violation, each day shall be considered a separate offense and penalties shall accrue for each day during the period of the violation.