

Chapter 67

MERCHANT AND VENDOR LICENSES

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ARTICLE I. MOBILE FOOD VENDING

Sec. 67-1. Definitions.

Mobile Food Vending shall mean vending, serving, or offering for sale *prepared* food and/or beverages *intended for immediate consumption* from a mobile food vending unit; *this does not include the sale of other non-food related merchandise or services.*

Mobile Food Vending Unit shall mean any motorized or non-motorized vehicle, trailer, cart or other device designed to be portable and not permanently attached to the ground *which is used for mobile food vending.*

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 a single stand, cart or other means or conveyance.

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.

Community Event shall mean *a gathering that occurs in a certain place during a specific interval of time in which the general public is able to attend.*

Operating Restaurant shall mean *a brick and mortar food establishment that is open to the general public at least five (5) days a week on a regular basis.*

Sec. 67-2. Exemptions.

Mobile Food Vendors associated with community events and operated by locally based non-profit organizations are exempt from the provisions of this ordinance.

Sec. 67-3. Permit Required.

No vendor shall engage in Mobile Food Vending without an annual permit from the City authorizing such vending. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this code.

Sec. 67-4. Duration; Non-transferability.

Permits are effective May 1st of each calendar year and must be renewed annually. Any Mobile Food Vending permit issued by the City is non-transferable.

Sec. 67-5. Application.

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City for a Mobile Food Vending Permit. The applicant shall truthfully state, in full, all information requested in the application and be accompanied by the

fees established by the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City. An application fee shall be charged to each applicant.

Sec. 67-6. Fees.

There shall be no pro-rating of fees. Fees are non-refundable once a permit has been issued. If operating on non-city property, no license fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this code.

Sec. 67-7. Location.

Mobile Food Vending will be allowed on private property in the Central Business District (CBD), the General Commercial District (GCD), and the Waterfront Marina District (WMD).

No mobile food vending unit shall be located within 50 feet from the property line of an operating restaurant in the designated private property areas.

Mobile Food Vending Units may be allowed in designated public locations as determined by the City Commission.

Sec. 67-8. 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 city-owned or controlled property, may only locate on such property as approved by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
- 3) Not use any flashing or blinking lights or strobe lights.
- 4) Not use music, amplification devices or "crying out" or any other audible methods to gain attention.
- 5) *Not have signs other than what is affixed to the mobile food vending unit; no sandwich boards or other signs will be allowed.*
- 6) Shall not utilize any electricity, water or other utilities without the prior written authorization of the power customer; no cable, hoses or similar devices shall be extended across any city street, alley, or sidewalk unless approved in advance by the City.
- 7) Within the designated Mobile Food Vending Areas, a mobile food vendor may only operate between the hours of 7:30 a.m. and 10:30 p.m.
- 8) In public property locations within the designated Mobile Food Vending Areas, no mobile food vending unit may be left unattended for more than 2 hours; and

any mobile food vending unit not in operation shall be removed between the hours of 10:30 p.m. and 7:30 a.m.

- 9) Prior to the commencement of operations on public property the mobile food vendor shall provide to the City proof of general liability insurance in the amount of \$1,000,000 naming the City as an additional insured.
- 10) The mobile food vending unit must comply with all applicable City codes and ordinances.
- 11) The mobile food vending unit must comply with all applicable federal, state and county regulations.

Sec. 67-09. Impoundment.

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

Sec. 67-10. Other Permits.

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

Sec. 67-11. Revocation.

The City shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this code 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.

Immediately upon such revocation, the City shall provide written notice to the permit holder 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.

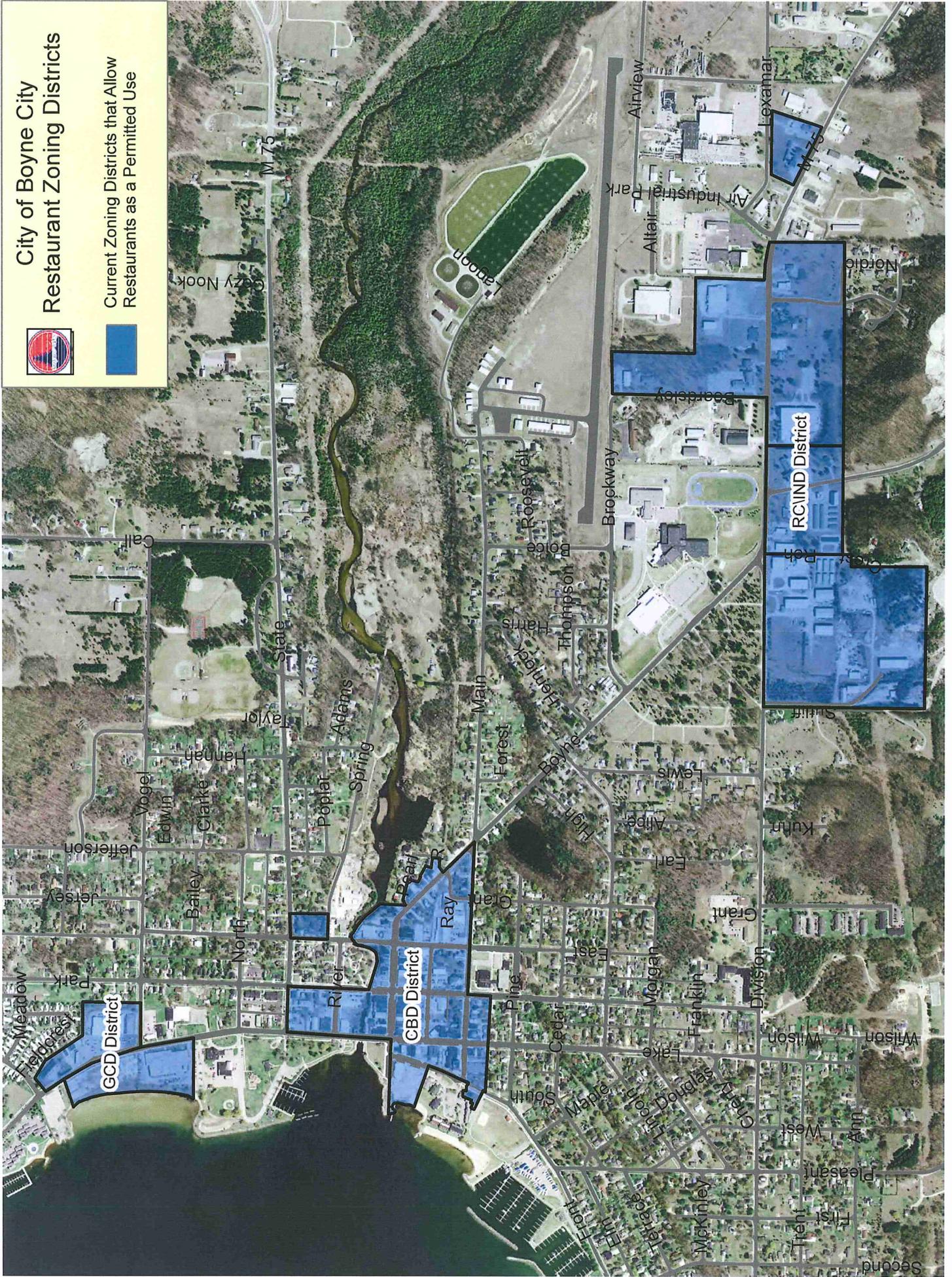
Sec. 67-12. Civil Infraction.

A vendor who violates this code is responsible for a civil infraction and subject to a find of \$500 per day.

City of Boyne City Restaurant Zoning Districts



Current Zoning Districts that Allow
Restaurants as a Permitted Use





City of Boyne City Proposed Public Foodtruck Locations



Two Food Trucks
Allowed at Each Location



Front

Ray

Main

Lake

Pine

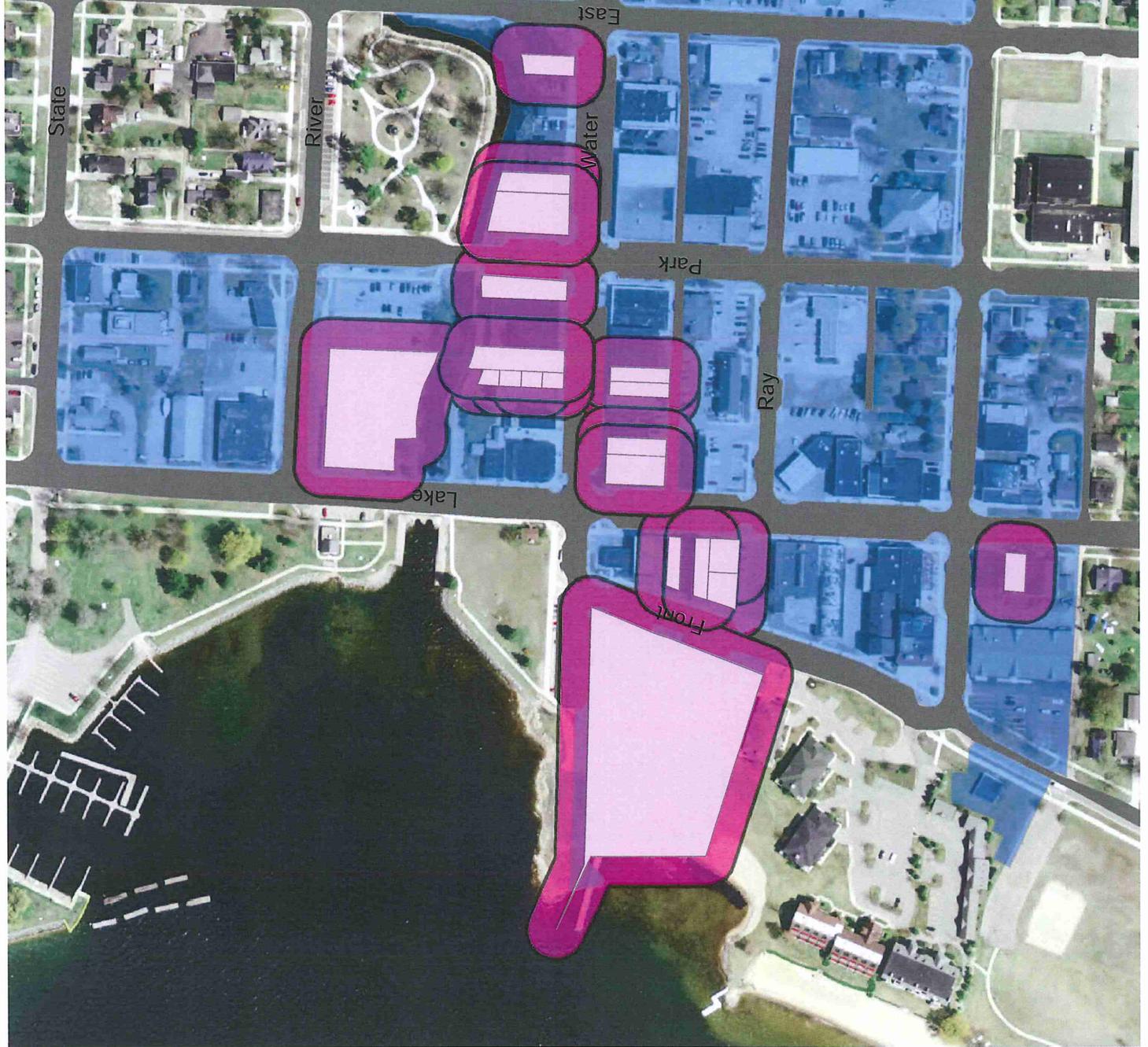
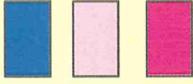
City of Boyne City CBD District Restaurants 50 Foot Area



Restaurant Zoning District

Restaurant and/or Prepared Food
Sales Currently Operating on Property

50 Feet From Property Line



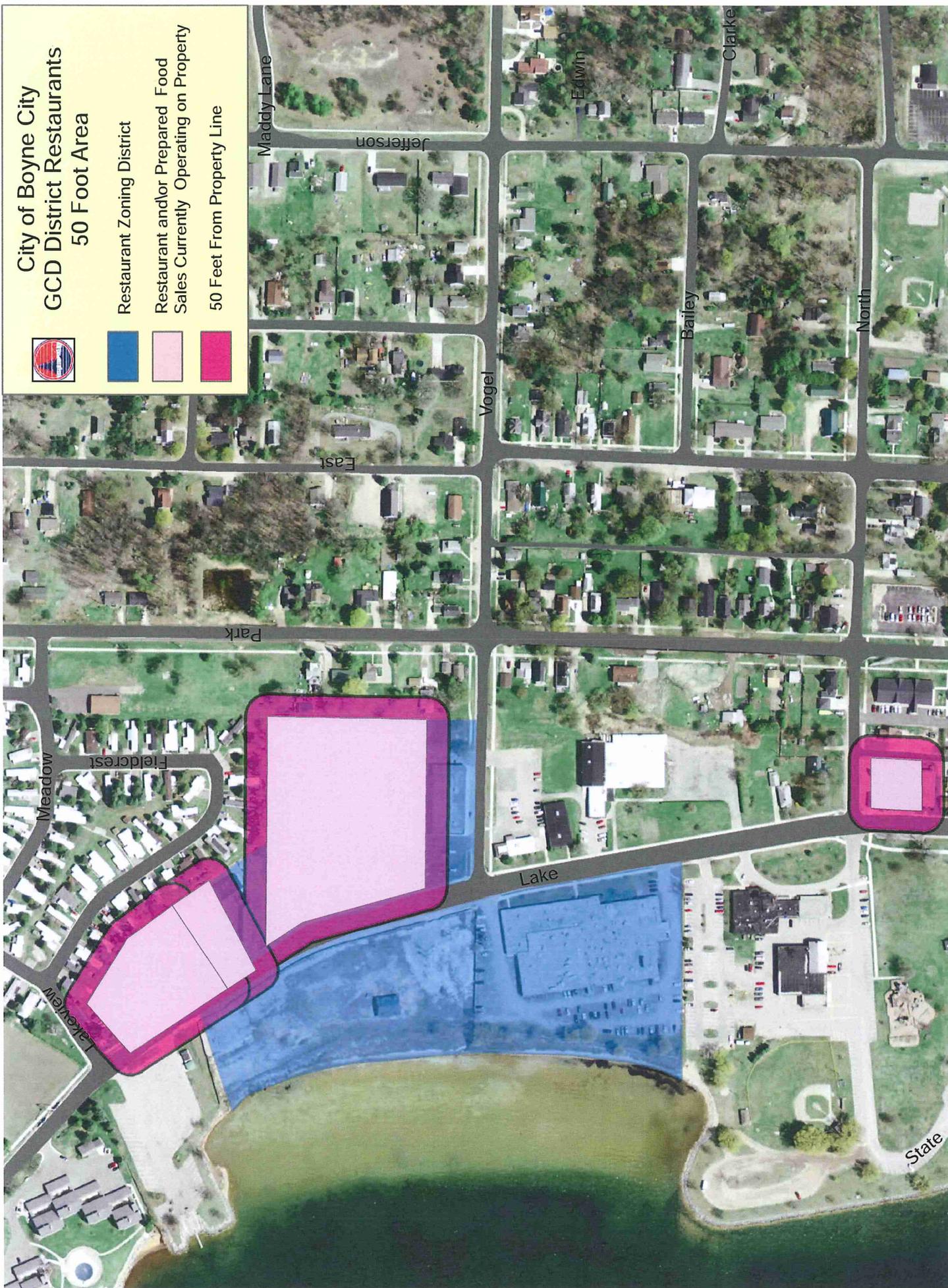
City of Boyne City GCD District Restaurants 50 Foot Area



Restaurant Zoning District

Restaurant and/or Prepared Food
Sales Currently Operating on Property

50 Feet From Property Line



City of Boyne City
RC/IND District Restaurants
50 Foot Area

-  RC/IND District Restaurants
-  Restaurant Zoning District
-  Restaurant and/or Prepared Food Sales Currently Operating on Property
-  50 Feet From Property Line



**City of Boyne City
CBD District Restaurants
100 Foot Area**



Restaurant Zoning District



Restaurant and/or Prepared Food Sales Currently Operating on Property



100 Feet From Property Line



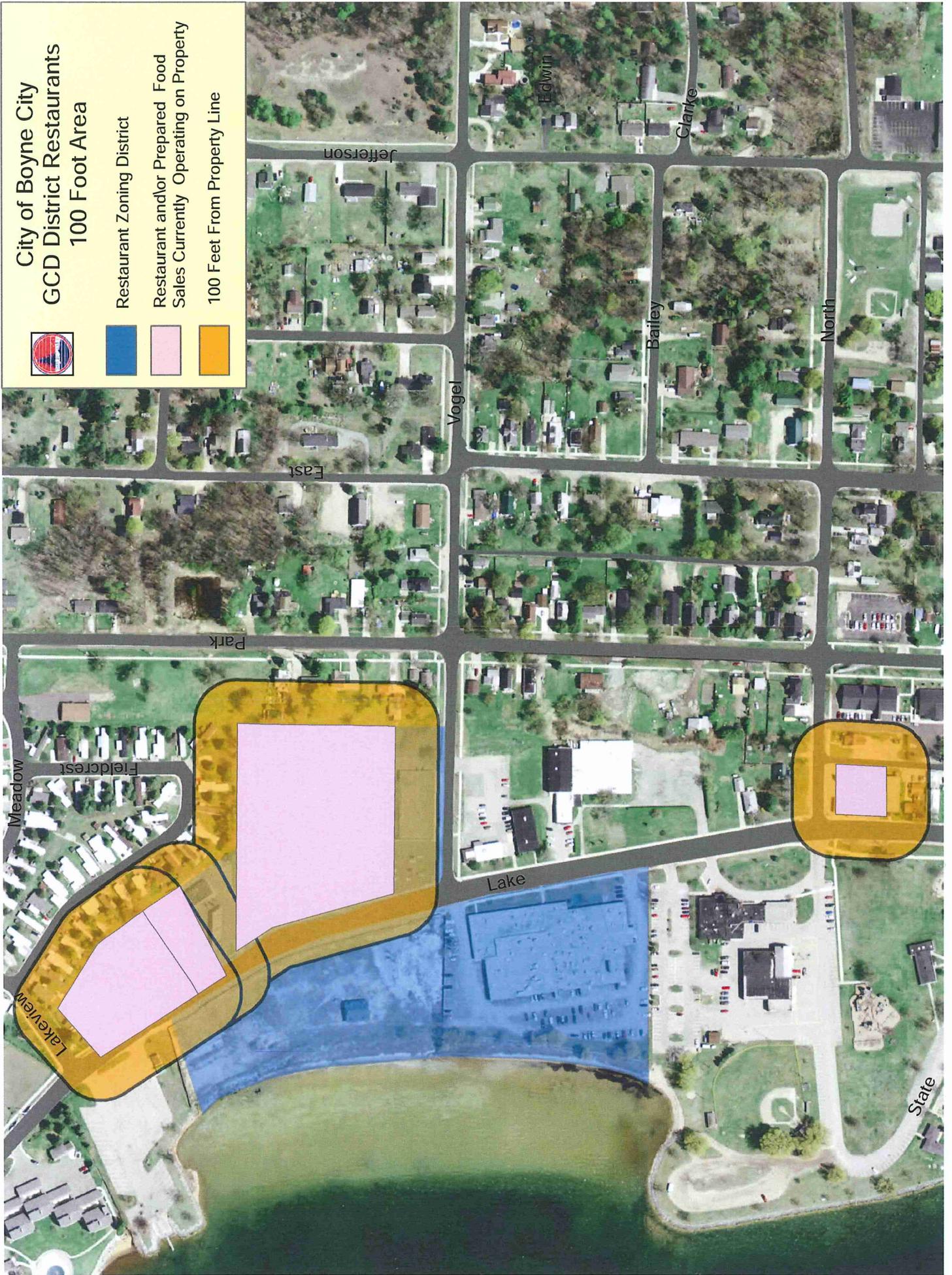
City of Boyne City GCD District Restaurants 100 Foot Area



Restaurant Zoning District

Restaurant and/or Prepared Food
Sales Currently Operating on Property

100 Feet From Property Line



**City of Boyne City
RC\IND District Restaurants
100 Foot Area**



Restaurant Zoning District



Restaurant and/or Prepared Food
Sales Currently Operating on Property



100 Feet From Property Line



City of Boyne City CBD District Restaurants 150 Foot Area



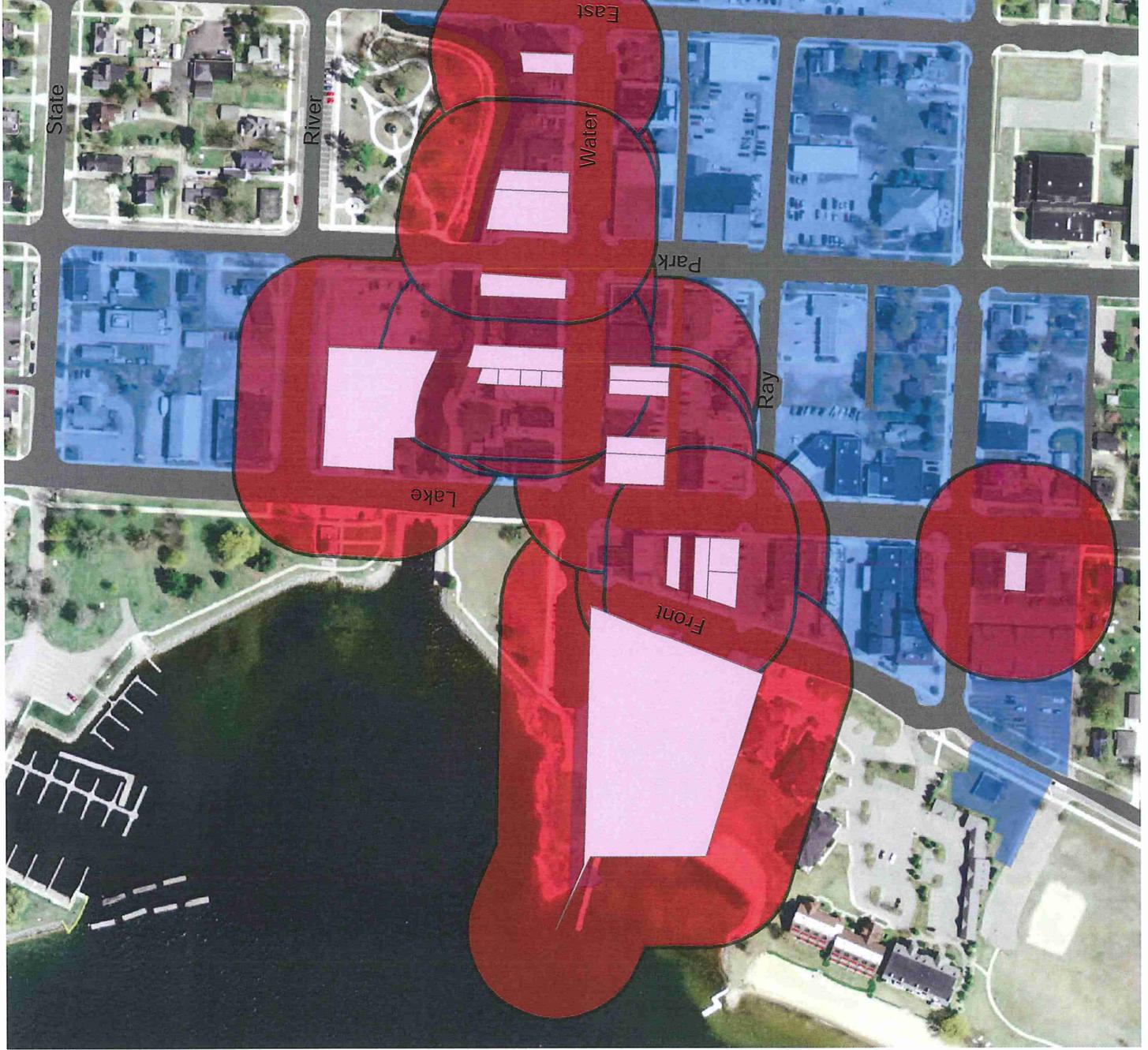
Restaurant Zoning District



Restaurant and/or Prepared Food
Sales Currently Operating on Property



150 Feet From Property Line



City of Boyne City
GCD District Restaurants
150 Foot Area



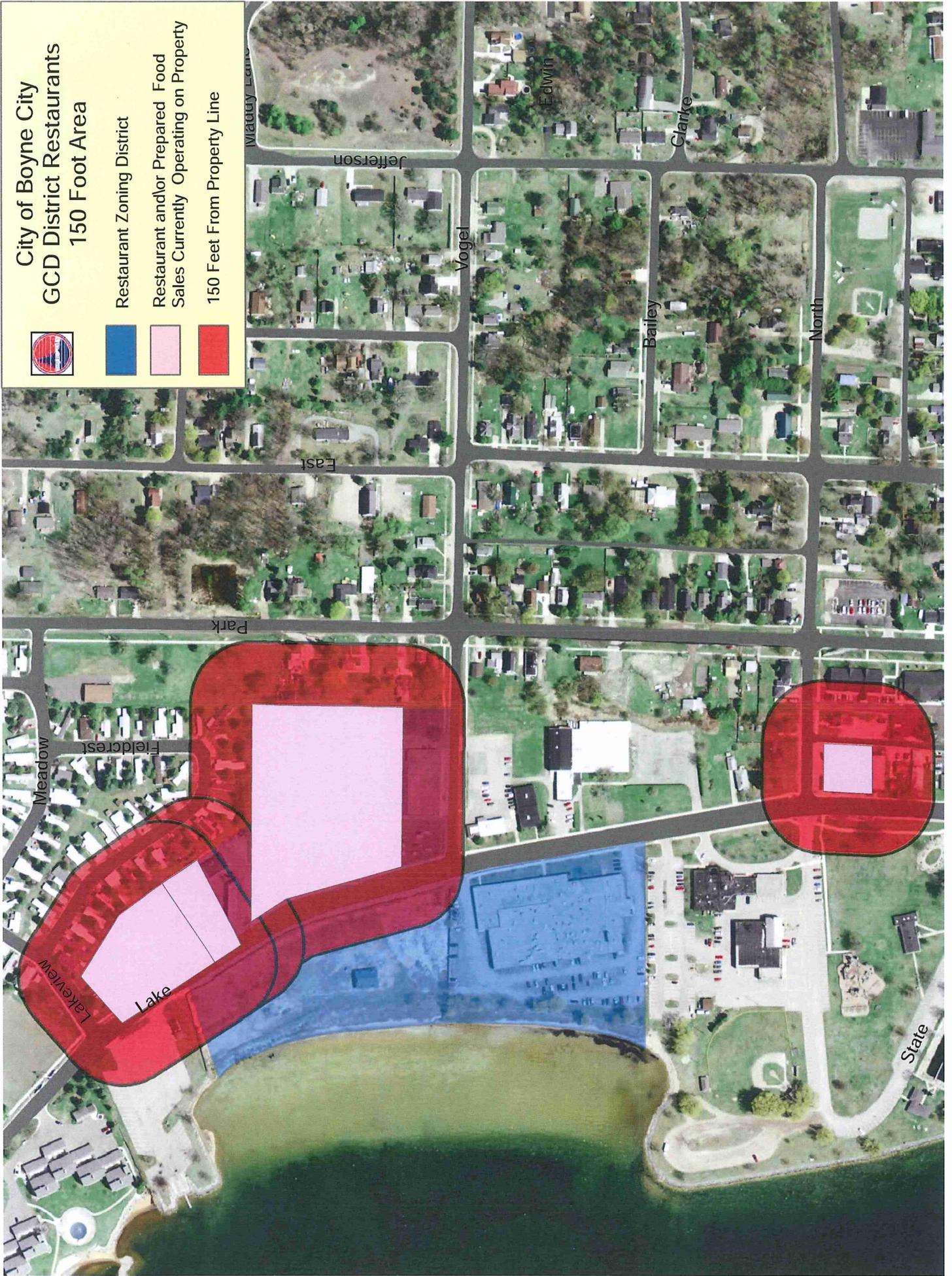
Restaurant Zoning District



Restaurant and/or Prepared Food
Sales Currently Operating on Property



150 Feet From Property Line





City of Boyne City
RC\IND District Restaurants
150 Foot Area

Restaurant Zoning District
Restaurant and/or Prepared Food Sales Currently Operating on Property
150 Feet From Property Line