

**VILLAGE OF KENT CITY  
RESOLUTION 2023-08:  
POLICIES FOR MOBILE FOOD  
TRUCK REGULATION WITHIN  
KENT CITY VILLAGE LIMITS**

At a regular meeting of the Village Council of the Village of Kent City, held at the Village Office at 200 S Main Street, Kent City, Michigan, on the 11<sup>th</sup> day of May 2023 at 6:00 p.m.

PRESENT: Merry Barron, Matt Barber, Diana Durst, Linda Poling, Danny Surgent, Bert Rose.

ABSENT: Sue Smalley.

The following resolution was offered by Council Member Barber with support by Council Member Poling.

WHEREAS, the General Ordinance 2023-02 for the Village of Kent City currently authorizes food trucks to operate within Village limits, subject to certain conditions and approvals; and,

WHEREAS, the conditions and approvals necessary for food truck operation within the Village limits is set by Council Resolution on an annual basis, and will include fees and specify designated locations of operation; and,

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

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

THEREFORE, the Village of Kent City resolves as follows:

**Section 1. Operating Requirements for Licensed Mobil Food Vending Units**

1. Applicant is required to obtain proper State licensure from the Kent County Health Department for Special Transitory Food Units/Mobile Food Units, or any other applicable public health authority. Each mobile vending unit must have available for inspection a copy of the required County Health Department permit. Mobile food vending units constituted as a vehicle shall have the proper licensing through the State of Michigan.
2. Applicant must 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 \$1,000,000.00 per occurrence. A certificate of insurance shall be filed by the applicant with the approved application. The certificate shall provide that the Village will receive 30 days prior written notice of cancellation or non-renewal.
3. Mobile Food Vending Unit hours of operation are limited to **10:00 a.m. to 8:00 p.m., on Mondays**, unless otherwise designated by resolution of the Village Council. Weekday pavilion rentals will exclude Leaver Park from availability and will be noted on the calendar. No approved mobile food

vending unit shall be left unattended on a public way, nor remain on a public way, outside of these allowed days and hours of operation.

4. Village permit must be prominently displayed and permanently affixed to a visible location on the mobile food vending unit. The granting of a permit under Ordinance 2023-02 is not an endorsement of the Village.
5. Each mobile food vending unit shall have, in letters readable from a distance of 50 feet, the name of the vendor operating it.
6. Applicant may not use or maintain any outside sound amplifying equipment, lights, or noisemakers. Generators are not to exceed 72dba at a distance of 10 feet.
7. All mobile food vending units operating on a public way are required to be self-contained. Use of utilities within public right-of-way requires written permission from the Village Clerk.
8. All waste liquids and garbage shall be disposed of properly. No waste liquids are to be dumped or drained onto Village property. A garbage receptacle, provided by applicant, must be easily accessible for customer use. Applicant is responsible for all litter, garbage, and refuse left by customers and related to its products within a 50-foot radius of mobile vending unit.
9. Alcohol consumption and sales are prohibited by mobile food vending units.
10. Applicant must comply with Village ordinances and State law and shall make all required sales tax returns and other reports as required by State law.

## **Section 2. Mobile Food Vending Unit Application, Fees & Duration of Season**

1. The term duration of the annual permit is from **March 1 – February 28**, of the application year. Upon approval of application and payment of permit fee, applicant will be able to reserve locations up to 60 days in advance for available days, per calendar year. Available days include Mondays. Dates are available on a first come, first served basis. A maximum of two vending units will be allowed to operate at one time in the designated locations of C.B. Leaver Park, Ball Creek Memorial Park, and the Pavilion Municipal (Main Street) Parking Lot; and a single unit may operate in the parking area of the Village Offices on the allowed days of operation. In addition, the Village will allow two additional on street locations to operate as overflow, only after all other locations are filled.
2. The fee for a Mobile Food Vending Unit annual permit is **\$300.00**. Fee is not applicable for proration, regardless of when application is submitted. Once issued, the permit is nontransferable. Special Events organized by the Village on days other than Mondays will have a special permit fee of \$40.00 per event.
3. Application for a Mobile Food Vending Permit can be obtained through the Village Clerk. After processing, applicant will be notified of application status and the Village Clerk will provide a Village Permit for public display.
4. Applicant must provide all documentation, including proof of insurance and a signed indemnity agreement with application at the time of submittal.
5. A separate permit can be issued for the use of electricity on public rights-of-way. **The cost for a Village Utility Use Permit is \$30.00 per day**. Application for Village Utility Use Permit is available upon request, and must be submitted prior to use of Village utilities, and Village Utility Use Permit must be prominently displayed during the date of use. Use of Village utilities without a Village Utility Use Permit will revoke applicant's Village permit for current application year.

## **Section 3. Mobile Food Vending Permitted Operating Locations**

1. Mobile Food Vending Units are required to be 75 feet or more from brick-and-mortar restaurants that are open for business without written permission of the establishment owner.

2. When mobile food vendors are permitted to operate on public streets, no food service shall be allowed on the driving lane side of the mobile food vending unit.
3. No mobile food vending unit shall impede visibility or the flow of vehicular, pedestrian, or bicycle traffic in any location.
4. Mobile Food Vending Units are permitted in public right-of-way areas, including Main Street Parking Lot, C.B. Leaver Park, and Ball Creek Memorial Park. Village map is available with all permitted areas.

#### **Section 4. Mobile Food Vending Unit Special Event Dates**

The Village of Kent City allows for Special Events within Village limits. Mobile Food Vending Units must apply and pay required fees as designated by each person or persons organizing the Special Event.

#### **Section 5. Mobile Food Vending Units on Private Property**

1. Mobile Food Vending Units are permitted to operate on private property through Ordinance 2021-11: Ordinance to Require the Licensing of Certain Events and Sales and to Provide Fees for the Licensing Thereof. Application for Hawker, Peddler & Itinerant Vendor's within Kent City Village Limits can be obtained through the Village Clerk. Fees are as follows:

One Day License	\$10.00
One Month License	\$35.00
Six Month License	\$150.00
2. Mobile food vendors shall not operate on private property within the Village without first obtaining written consent to operate from the affected private property owner. A copy of written consent must be submitted to the Village Clerk with Application for Hawker, Peddler & Itinerant Vendors.
3. Upon approval of application, a Hawker's Permit will be issued and must be prominently displayed during mobile food vending unit operation.
4. **If a mobile food vending unit is requested by a private property owner for a special event, the property owner is required to notify the Village and submit a Special Event Permit Application 90 days prior to the event date.** Upon Council approval of the Special Event Permit Application, fees for requested mobile food vending unit will be waived.

AYES: All.

NAYS: None.

ABSENT: Smalley.

RESOLUTION DECLARED ADOPTED.

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Ashley Scudder, Village Clerk

I hereby certify that this is a true and complete copy of a resolution adopted by the Village Council of the Village of Kent City, Kent County, Michigan at a regular meeting held on May 11, 2023, which was conducted, and public notice given in compliance with the Open Meetings Act, Act No. 267, Public Acts of Michigan

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Ashley Scudder, Village Clerk