

## ORDINANCE #22-03Z

### AN ORDINANCE TO AMEND THE TEXT OF THE LEXINGTON TOWNSHIP ZONING ORDINANCE TO ESTABLISH THE DEFINITION OF A MOBILE FOOD VENDOR AND SPECIFY THE REQUIREMENTS RELATED TO THEIR OPERATION.

#### THE TOWNSHIP OF LEXINGTON ORDAINS:

#### **ARTICLE 1:**

**Chapter 2, Section 2.2.0 — General Definitions**, is hereby amended to add a new definition as follows:

**MOBILE FOOD VENDOR:** A kitchen within a licensed and operable motor vehicle or trailer whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

#### **ARTICLE 2:**

Insert Chapter 3, Section 3.56.0 — Mobile Food Vendors as follows:

**.01 Applicability.** The provisions of this article apply to mobile food businesses engaged in the business of cooking, preparing and distributing food or beverages with or without charge on public or private property.

**.02 Permit and Authorization Required.** Annual operating permits are required for all mobile food vendors who are proposing to conduct business in Lexington Township. Fees for the permit are as determined by resolution of the Township Board. The Township may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects to the general operation of any mobile food vendor. The grant of a permit is conditioned on the obtainment of all applicable county and state licensing for the mobile food vendor and all equipment used in operations conducted with the permit.

No operator of a mobile food vendor shall park, stand or move a vehicle or trailer and conduct business within areas of the Township where the vendor has not been authorized to operate.

An exemption to the requirement for permit may be considered by the Township if the vendor is taking part in a Township-operated event and contracted by the Township.

#### **.04 Regulations.**

- A. **Permitted areas of operation.** Mobile food vendors may operate in any zoning district, subject to a permit.
  1. Mobile Food Vendors are restricted from occupying any parcel whose primary use is residential, except a Mobile Food Vendor may occupy such parcel for the purpose of catering a private event that is not open to the general public, for a period not to exceed 24 hours.
  2. Mobile Food Vendors are prohibited from occupying and/or operating within any public right of way.
- B. **Business Hours, restrictions.** No mobile food vendor shall conduct business before the hour of 7:00 a.m. or after the hour of 10:00 p.m. or as otherwise restricted on a by-location basis by resolution of the Township Board of Trustees.

- C. **Business Days, restrictions.** A mobile food vendor may operate on any day of the week. No mobile food vendor shall conduct business on the same property more than four days within any one week.
- D. **Storage of Equipment.** All equipment associated with the operation of a mobile food vendor must be removed from the premises at the conclusion of daily operations, or after a period of no more than 96 consecutive hours.
- E. **Private Property.** Mobile food vendors conducting business on private property must provide to the Township a lease or the written expressed consent from the property owner to use the property on which they propose to operate.
- F. **Public Property.** Mobile food vendors conducting business on public property must obtain written permission from Lexington Township or other government entity responsible for said property.
- G. **Traffic.** Food truck vendors:
  - a. Shall not obstruct the use of any street intersection or pedestrian crosswalk.
  - b. Shall not impede the ingress or egress of any driveway.
  - c. Shall not obstruct pedestrian space.
  - d. Shall not impede or obstruct the ingress or egress of any building.
  - e. Shall not impede or obstruct any fire lane.
- H. **Signage.** Mobile food vendors may have one portable sign that is 6 square feet, with no dimension greater than 3 feet and no height (inclusive of legs or support structures) greater than 4 feet, located within 5 feet of the unit. All signage must be contained to the property on which the vendor is operating. At no time shall any signage be placed within the public right-of-way.
- I. **Waste.** Mobile food vendors must 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. Such receptacle shall be located no more than 10 feet from the mobile food vendor. No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks, streets or other public places, or municipal waste receptacles. Failure to maintain a site free of waste may be grounds for revocation of current vendor permits or withholding the issuance of new permits.
- J. **Lights.** No flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- K. **Noise.** No loud music, amplification devices or any other audible methods to gain attention which causes a disruption or safety hazard are permitted. The decibel levels for any generator(s) used shall not exceed 80 dBA.
- L. **Parking.** The issuance of a mobile food business license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.
- M. **Merchandise Sales.** Retail sale of merchandise related to the food truck may be permitted as an accessory to the primary sales of food.
- N. **Alcohol Sales.** Sale of alcoholic beverages shall only be permitted when licensed in accordance with Township and State regulations.

a. **Enforcement.**

- 1) Violation; fines. Any license holder operating a mobile food business in violation of any provision of this article or any rules and regulations promulgated by the Township is responsible for a municipal civil infraction and is subject to a civil fine of \$200 per day. Each day of violation shall constitute a separate and distinct offense.
- 2) License is revocable. Once a license has been issued, it may be revoked, suspended or not renewed by the Township Clerk for failure to comply with the provisions of this article and any rules or regulations promulgated by the Township.

### **ARTICLE 3 SEVERABILITY CLAUSE:**

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

### **ARTICLE 4 REPEAL:**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict, to the extent that this ordinance conflicts with any other ordinance this ordinance shall control (supersede).

### **ARTICLE 5 EFFECTIVE DATE:**

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

### **ARTICLE 6 ADOPTION:**

Made and passed by the Township Board of Lexington Township, Sanilac County, Michigan, on this 28th day of July, 2022, A.D.

Date of Public Hearing: June 15, 2022

Date of Adoption by Township Board: July 28, 2022

Date of Publication: August 12, 2022

Date and Time Ordinance Shall Take Effect: August 19, 2022 12 noon

**Certification:**

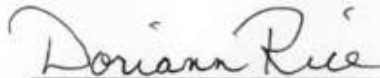
I Doriann Rice, Clerk of the Township of Lexington, do hereby certify that Ordinance No. 22-03Z was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 28<sup>th</sup> day of July, 2022

Vote on this Ordinance, 3 members being present, was as follows:

AYES: PARTAKA, McALLISTER, RICE

NAYS: None

I further certify that said Ordinance No. 22-03Z, adopted by the Township Board on the 28<sup>th</sup> day of July, 2022, was published once in the Jeffersonian, a newspaper published and circulated in the Township of Lexington, County of Sanilac, on the 12<sup>th</sup> day of August, 2022 being the last day of publication of this ordinance



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Doriann Rice, Clerk  
Township of Lexington