

**CITY OF MT. MORRIS
COUNTY OF GENESEE, MICHIGAN**

ORDINANCE 2024 – 02.

**AN ORDINANCE AMENDING MT. MORRIS CITY
CODE OF ORDINANCES, CHAPTER 18, ARTICLE I, BY
THE ADDITION OF 18-1 AND 18-2, MOBILE
TRANSIENT VENDOR, DEFINITION, AND 18-2,
MOBILE TRANSIENT VENDORS, ORDINANCES TO
DEFINE AND REGULATE THE OPERATION OF
TRANSIENT VENDORS WITHIN THE CITY, AND TO
PROVIDE FOR THE VIOLATION THEREOF**

THE CITY OF MT. MORRIS HEREBY ORDAINS:

SECTION I

The Mt. Morris City Code of Ordinances, Chapter 18, Article I, is hereby amended by the addition of Sections 18-1, Transient Vendor, Definition, and 18-2, Transient Vendors, as follows:

18-1, Mobile Transient Vendor, Definition

Transit Vendor is a company or individual that engages in a temporary or transient business in one or more places supplying goods or services, which include but are not limited to the sale of food, merchandise, mobile services and wares. A company that provides services to a property such as structural repair, construction or maintenance, lawn and property care, medical services to an individual patient shall not be considered as a transient vendor.

18-2, Mobile Transient Vendors

(A) *Statement of purpose.* It is the intent of this section to permit and regulate temporary sales and uses in the commercial and industrial areas when the sale/use is intended to be for a limited period and not designed to be an alternative to occupying a permanent structure. Further, it is the intent to promote the economic well-being of the community by creating an alternative to the traditional uses and encourage the use of underused land. Finally, to provide for exemptions from strict regulations during community events.

(B) *Permitted uses.* Mobile Transient Vendor is permitted as set forth herein within the City except within any residentially zoned area.

(C) *Regulations.*

(1) No mobile transient vendor shall be built, erected, or operated on the right-of-way nor so close thereto as to encourage or promote the use of the right-of-way for parking or standing of customers. All temporary uses shall provide adequate off-street parking areas which shall be readily accessible from the road abutting thereto.

(2) The premises shall be kept in a clean and sanitary condition at all times.

(3) Mobile transient vendor users must have written permission from the owner of the property.

(4) The principal use of the property must still be able to accommodate the parking requirements for that use.

(5) Mobile transient vendor shall obtain a permit from City Hall upon submission of an application for such a permit unless specifically stated exempt in this chapter.

(6) Mobile transient vendor permits must be submitted on a form approved by the Zoning administrator or City Manager not less than 15 days prior to the intended startup date. A permit application must include a drawing of all items to be located on the property for the purpose of the use.

(7) A permit fee in the amount as set by the City Council and amended by resolution from time to time shall be paid at the time of the submission of the application, and a clean-up fee in the amount as set by the City Council and amended by resolution from time to time shall be paid at the time of approval of the permit. The clean-up fee shall be refundable as a whole or in part in the event the permittee returns the premises to its original condition at the conclusion of the activities. The fees established in this subsection may be amended from time to time by resolution of the City Council. Any violation notice enforcement will be deducted from the cleanup bond before the refund is released but shall not preclude any other recovery by the city for violation or damages arising therefrom.

(8) Any person, firm or organization may appeal either the necessity of posting a bond, or the amount of the bond required by the city's Department of Public works directly to the Mt. Morris City Council, which shall have the authority to reduce or eliminate the bond upon good cause shown.

(D) Operational Regulation:

(1) The provisions of this ordinance apply to mobile transient vendors engaged in the business of selling food or goods and services with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts.

(2) Permit application shall include the following:

a. Name, signature, phone number, email contact and business address of the applicant.

b. A description of the preparation methods, food and other products offered for sale.

c. Information on the mobile transient vendor to include year, make and model, and license plate number of the vehicle(s). Any portable tents, awning covers or other portable devices that provide protection from the weather, which shall not exceed 30 feet in length and 10 feet in width.

d. Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.

e. Copies of all necessary licenses or permits issued by the Genesee County Health Department, including a copy of the "letter of intent" provided to Genesee County.

(3) All mobile food transient vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the preparation of mobile transient vendor shall be collected and disposed of off-site by the operators each day. Spills of food, food by-products, or any other waste shall be cleaned up, and no dumping of gray water on the street is allowed.

(4) Mobile transient vendors shall comply with the city's noise ordinance, and all other city ordinances. Mobile transient vendors shall be allowed one two faced sign that shall not exceed 8' square feet and shall not have a height of greater than 3'. The sign shall not be placed in a manner to hinder the vision of motorists or the path of pedestrians. The Director or Public Works or Law Enforcement officers shall make the determination if the placement of the sign is in a safe location.

(5) A vendor shall not operate a mobile transient vendor site within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the city unless the vendor has obtained permission from the event sponsor.

(6) No permit will be issued for more than 10 consecutive days for the mobile transient vendor from the date of sale as specified on the permit, unless upon prior approval by the City Council. A transient Vendor shall not operate inside the city limits for more than 10 days within one calendar year, unless prior approval by the City Council. No transient vendor shall be allowed to leave any equipment, vehicles, signs or other apparatus on location after hours of operation.

(E) Revocation

(1) The City reserves the right to revoke the license of any vendor engaged in mobile transient vendor who ceases to meet any requirement of this chapter 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 public health, safety, and welfare.

(b) Immediately upon such revocation, the City Clerk shall provide written notice to the license holder and the license shall become null and void.

(F) Complaints; Appeals

If a complaint is filed with the City Clerk alleging a transient vendor has violated the provisions of this chapter, the City Clerk shall contact the vendor that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and to respond to evidence produced by the investigation. After reviewing all relevant material, the complaint is supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked, or if a written complaint is certified pursuant to this chapter, the applicant or holder of the license may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination after the presentation by the applicant and investigation as to whether or not the grounds for denial, revocation, or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk or filing of the

complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

(G) Impoundment

Any equipment associated with transient vendor that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

(H) In addition to the subsections (E) and (G) above, violation of this ordinance may be punished as a civil infraction with a fine for a first offense not exceeding \$500.00.

SECTION II - SEVERABILITY

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

SECTION III – PRIOR ORDINANCES

All City ordinances and resolutions or part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Mt. Morris, Genesee County, Michigan, and shall become effective on the 31st day after publication.

SECTION V

A copy of this Ordinance may be inspected at the City Hall, 11649 N. Saginaw St., Mt. Morris, Michigan, during regular business hours.

CITY OF MT. MORRIS,

By: SARA DUBEY, MAYOR

By: SPENCER LEWIS, DEPUTY CLERK

Ordinance introduced on: 10/24/2024

Second Reading: 11/11/2024

Publication date: 11/20/2024

Effective date: 12/21/2024