

PLANNING COMMISSION AGENDA

*Meetings: Third Tuesday - 7:00 p.m.
Tuesday, March 16, 2021*

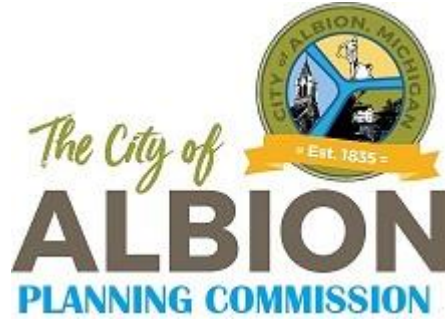
City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

Page	
	I. CALL TO ORDER (REMINDER: TURN OFF CELL PHONES)
	II. ROLL CALL OF THE COMMISSION
	III. APPROVAL OF PRIOR MEETING MINUTES
3 - 10	A. MINUTES PLANNING COMMISSION - 17 Feb 2021 - Minutes - Pdf
	IV. CORRESPONDENCE
	V. ORDER OF BUSINESS
11 - 40	A. APPROVE TWO MEDICAL MARIHUANA RENEWAL GROWER LICENSES FOR HONGRUI ENTERPRISES
	B. DISCUSSION MOBILE FOOD VENDORS ORDINANCE Draft - Clawson Mobile Vending Ordinance Draft 7-26-17 Ferndale 20210218_155947_556804_ARTICLE_IV._VENDING Kalamazoo Mobile Food Businesses Marquette 20210218_155630_360600_Chapter_35_MOBILE FOOD VENDING Monroe Food Trucks Mobile Food Vending Units
	C. UPDATES TO COMPREHENSIVE PLAN
	D. ZONING ORDINANCE MAXIMUM HEIGHT DISCUSSION
	E. EXCUSE ABSENT BOARD MEMBER
	VI. ADJOURNMENT
	VII. PUBLIC COMMENTS

PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) THE PLANNING COMMISSION CHAIR OPENS THE HEARING
- 2) CHAIR SUMMARIZED THE PROCESS
- 3) STAFF PRESENTS REPORT ON APPLICANT'S REQUEST
- 4) CHAIR READS ANY CORRESPONDENCE INTO THE RECORD
- 5) PUBLIC SPEAKING PORTION OF HEARING
 - INDIVIDUALS IN SUPPORT

- OPPOSITION SPEAKERS
 - QUESTIONS & REBUTTAL (DIRECTED THROUGH THE CHAIR)
 - PUBLIC SPEAKING PORTION OF HEARING CLOSED
- 6) FINDING OF FACTS
- 7) BOARD BEGINS DELIBERATIONS



MINUTES
PLANNING COMMISSION
 Wednesday, February 17, 2021 @ 7:00 PM
 City Council Chambers

I CALL TO ORDER (Reminder: turn off cell phones)

Chair G Strander called the regular Planning Commission to order at 7:00 p.m.

II ROLL CALL of the Commission

PRESENT: Albert Amos (Albion, MI) ; Mayor Victoria Snyder (Albion, MI); Mark Lelle (Albion, MI); Tom Pitt (home); Scott Kipp (Albion, MI); Lenn Reid (home); George Strander (home) and Joseph Verbeke (home)

ABSENT: Sharon Ponds

ADMINISTRATION: Haley Snyder, City Manager, Jill Domingo, City Clerk and Ian Arnold, Planning & Building Director

III APPROVAL OF Prior Meeting MINUTES

A. APPROVE JANUARY 20, 2021 MINUTES

Moved by Commissioner Lelle, seconded by Commissioner Pitt

To approve minutes as presented

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			

Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor	x			
	8	0	0	1

Carried

IV CORRESPONDENCE- None

V PUBLIC HEARING

- A. ORDINANCE # 2021-02, AN ORDINANCE TO AMEND CHAPTER 100, ARTICLE VII, TO ADD SECTION 7.10A, MEDICAL USE OF MARIHUANA

Chair G Strander opened the public hearing at 7:04 p.m.

Planning & Building Director Arnold provided a brief overview of Ordinance # 2021-02 stating the ordinance will regulate caregiver grows. Caregiver grows are subject to the Michigan Medical Marihuana Act (MMMA) and are not intended to be commercial operations. Recently however, some individuals have developed more sophisticated operations claiming to operate under the MMMA, but becoming more commercialized. This issue was recently addressed in the Michigan Supreme Court case of *Deruiter v Township of Byron*. The Court unanimously ruled that Byron Township could regulate caregiver operations as a home operation under the Township's zoning ordinance. This ordinance is a nearly identical version of the Byron Township ordinance for the City to regulate caregiver grows.

Public comments were received from Mark Goodman, Greenhouse Farms Albion 1 LLC, who asked if the City has made a decision regarding adult use provisioning centers

Chair G Strander closed the public hearing at 7:10 p.m.

VI Order of Business

- A. APPROVE RECOMMENDATION OF ORDINANCE # 2021-02, AN ORDINANCE TO AMEND CHAPTER 100, ARTICLE VII, TO ADD SECTION 7.10A, MEDICAL USE OF MARIHUANA

Comments were received from Commissioners T Pitt; S Kipp and Chair G Strander; Mark Goodman, Greenhouse Farms Albion 1 LLC and Planning & Building Director Arnold

Moved by Commissioner Pitt, seconded by Commissioner Lelle

Approve Recommendation of Ordinance # 2021-02, An Ordinance to Amend Chapter 100, Article VII, to Add Section 7.10a, Medical Use of Marihuana

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor	x			
	8	0	0	1

Carried

B. APPROVE MEDICAL MARIHUANA GROWER RENEWAL PERMIT FOR GREENWELL BIOMEDICINALS LLC

Comments were received from Chair G Strander and Planning & Building Director Arnold

Moved by Commissioner Verbeke, seconded by Commissioner Lelle

Approve Medical Marihuana Grower Renewal Permit for Greenwell Biomedicinals, LLC

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			

Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor	x			
	8	0	0	1

Carried

C. APPROVE MEDICAL MARIHUANA PROVISIONING CENTER RENEWAL PERMIT FOR GREENHOUSE FARMS ALBION 1, LLC D/B/A SUNNIE'S

Comments were received from Commissioner T Pitt and Chair G Strander; Planning & Building Director Arnold; City Manager Snyder and Mark Goodman, Greenhouse Farms Albion 1 LLC

Moved by Commissioner Lelle, seconded by Commissioner Pitt

Approve Medical Marihuana Provisioning Center Renewal Permit for Greenhouse Farms Albion 1 LLC d/b/a Sunnies

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor	x			
	8	0	0	1

Carried

D. APPROVAL TO COMBINE THREE PARCELS-PARCEL A-619 AUSTIN AVENUE; PARCEL B-617 AUSTIN AVENUE AND PARCEL C-611 AUSTIN AVENUE INTO ONE PARCEL OWNED BY THE ALBION ECONOMIC DEVELOPMENT CORPORATION (AEDC)

Comments were received from Commissioners L Reid; S Kipp and T Pitt; Director of Planning & Building Arnold; City Manager Snyder and Christine Bowman, EDC

Moved by Commissioner Pitt, seconded by Commissioner Lelle

Approve Combining Three Parcels-Parcel A- 619 Austin Avenue; Parcel B- 617 Austin Avenue and Parcel C- 611 Austin Avenue into One Parcel Owned by the Albion Economic Development Corporation (AEDC)

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor	x			
	8	0	0	1

Carried

E. DISCUSSION MOBILE FOOD VENDORS

Director of Planning & Building Arnold stated currently the City does not have an ordinance for mobile food vendors. He feels an ordinance for mobile food vendors would better serve business owners and residents but also realizes the concerns with the risk of this type of ordinance. He has provided the Commission with a sample ordinance from Traverse City for discussion.

Comments/Questions from the Commission were as follows:

- Would the ordinance provide restrictions on where food trucks can be parked? *The ordinance can be as specific or non-specific as the Planning Commission would like*
- Currently a food vendor only needs approval through the Health Department
- Would the permit for mobile food vendors apply to celebrations/events in town? *Exceptions can be placed in the ordinance for celebrations/events*
- Will the ordinance regulate the day/times/hours and where they may park?
- Need to be mindful of limited parking in the downtown area
- May be able to utilize City parking lots for vendors
- Stoffer Plaza would also be a location for food vendors as long as

- it is not in competition with Farmers Market
- Feels competition draws in more people to events
 - Would like to see an ad-hoc sub-committee to work on this type of an ordinance
 - Feels mobile food vendors would be a great addition to the community
 - Since there is not an ordinance in place, it should first be decided that the City is going to allow mobile food vendors

The Planning Commission was in unanimous favor to create an ad-hoc sub-committee to work on the Mobile Food Vendor Ordinance. The sub-committee members are as follow:

Commissioner A Amos
Commissioner T Pitt
Commissioner J Verbeke
Mayor Snyder
Planning & Building Director Arnold

Comments were received from Commissioners T Pitt; M Lelle; L Reid; A Amos; Mayor V Snyder; S Kipp; J Verbeke and Chair G Strander and City Manager Snyder

F. DISCUSSION-CREATION OF NEW COMPREHENSIVE/STRATEGIC PLAN

Director of Planning & Building Arnold stated the Comprehensive/Strategic Plan will expire at the end of this year. He would like to obtain feedback and direction from the Planning Commission on how they would like to work on updating/creating the new plan. He has reached out to a consultant from Ottawa County that is willing to come down and assist with the process.

Commission M Lelle asked if the deadline for the plan was the same as the Recreation Plan?

Chair G Strander asked how often the Plan needed to be updated?

City Manager Snyder stated she assumed that the Plan would be due to the State by February 1st. The City would like to get started with the update as it has many components before the current plan expires, She stated the recommendation is to update the plan every 5 years

Chair G Strander asked if the plan needed to updated or a complete re-do

Commissioner Lelle stated the State has a list of all the steps that need to be completed for submitting the plan

Commissioner T Pitt stated there may be some funding available through a grant from the Community Foundation to help with the cost of updating the plan

Director of Planning & Building Arnold stated Albion College is also working on a strategic plan and we may be able to partner with them

Commissioner T Pitt asked if the plan were not updated by the deadline, how it would affect the City's Redevelopment Ready Community (RRC) status?

City Manager Snyder stated it doesn't take away the RRC certification but the City would not be eligible for state grants

The Planning Commission was in unanimous favor to create an ad-hoc sub-committee to work on updating the Comprehensive/Strategic Plan. The sub-committee members are as follows:

- Commissioner T Pitt
- Commissioner M Lelle
- Commissioner S Kipp
- Director of Planning & Building Arnold

G. EXCUSE ABSENT BOARD MEMBERS

Moved by (2) Reid, seconded by Commissioner Pitt

To Excuse Commissioner S Ponds

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)	x			
Verbeke Commissioner	x			

Snyder Mayor	x			
	8	0	0	1

Carried

VII PUBLIC COMMENTS

No public comments were received

Comments were received from Commissioner L Reid who stated she was willing to assist with sub-committees

VIII ADJOURNMENT

Moved by Commissioner Pitt, seconded by (2) Reid

To adjourn regular Planning Commission meeting

Chair G Strander closed the regular Planning Commission meeting at 8:05 p.m.

	For	Against	Abstained	Absent
Ponds Commissioner				x
Amos Commissioner	x			
Strander Chairman	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor	x			
	8	0	0	1

Carried

Jill A. Domingo, City Clerk

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. ____**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 54 – PEDDLERS, SOLICITORS AND CANVASSERS, ARTICLE I. - IN GENERAL BY ADDING SECTION 54-13 – EXEMPTIONS, AND TO CREATE A NEW CHAPTER 55, MOBILE FOOD VENDING, REGARDING THE REGULATIONS AND APPLICATION PROCESS FOR PERMITTING VENDING, SERVING, OR OFFERING FOR SALE, FOOD, BEVERAGES, AND/OR RELATED MERCHANDISE FROM ANY MOTORIZED OR NON-MOTORIZED CAR, CART, STAND, TRAILER, VEHICLE, OR OTHER DEVICE DESIGNED TO BE PORTABLE AND NOT PERMANENTLY ATTACHED TO THE GROUND, WITHIN THE CITY ON PUBLIC OR PRIVATE PROPERTY

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

1. Chapter 54 of the City of Clawson Code of Ordinances shall be amended to add a new Section 54-13 shall be added to read as follows:

Section 54-13. – Exemptions. Nothing in the chapter shall apply to Mobile Food Vending and associated activities, as provided for by Chapter 55 of this Code.

Section 55-1. – Intent.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Clawson, while providing a framework under which such businesses operate, this ordinance is established.

Section 55-2. – Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile Food Vending shall mean 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, which may include the ancillary sales of branded items consistent with the food, such as tee shirts that bears the name of the organization engaged in Mobile Food Vending, or other, similar merchandise.

Mobile Food Vending Unit shall mean any motorized or non-motorized car, cart, stand, trailer, vehicle, or other device designed to be portable and not permanently attached to the ground from which food, beverages, and/or related merchandise is vended, served, or offered for sale.

Operate shall mean 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 shall mean any event operated on City property or the public rights-of-way, pursuant to an authorizing resolution of the City Council, or upon private property, pursuant to approval of the City's Zoning Board of Appeals.

Vendor shall mean 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.

Section 55-3. – 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 city without a permit issued, pursuant to the Chapter. The City Clerk shall prescribe the form of such permits and the application therefor. A permit, once obtained, shall be prominently displayed on the Mobile Food Vending Unit that it authorizes.
- (b) Permits issued under this chapter shall be valid for one (1) calendar year from the date of their issuance. Such permits shall be non-transferable.

Section 55-4. – Application; Fee.

- (a) Every Vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city.
- (b) Fees for an application made under this chapter and for a permit issued under this chapter shall be charge at the time of application. The fee shall be as established by resolution of the City Council. Different fees may be established depending upon the character of the permit sought, e.g. use of public versus private property and based upon proximity to downtown. No fee shall be charged to an honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such status.
- (c) If an applicant is seeking to vend alcoholic products, the applicant must provide (1) proof of **general liability insurance in the amount of \$1,000,000**, naming the City as an additional insured; and (2) a Plan of Operation approved by the City Attorney, Chief of Police, and City Council in connection with the authorization of the sale of alcoholic beverages.
- (d) A current food service license issued by Oakland County.

Section 55-5. – Standards.

Any Vendor engaging in Mobile Food Vending shall comply with the following standards:

- (a) Appropriate waste receptacles for public use shall be provided at the site of the unit and all litter, debris and 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.

- (b) If operating on city-owned or controlled property, Vendor may only locate on such property as established in a resolution adopted by the City Commission.
- (c) No Vendor may operate on public property within one block of a Special Event without authorization from the event sponsor.
- (d) No Vendor may use any 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.
- (e) 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 City.
- (f) Vendors shall comply with the city’s Noise Ordinance, Sign Ordinance, and all other City ordinances and all applicable federal, state, and county regulations.
- (g) Notwithstanding anything to the contrary in the Sign Ordinance, a Mobile Food Vendor may have such signs as are permanently affixed to the unit and one portable sign that is six square feet, 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.
- (h) Within residential areas, a Mobile Food Vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a Mobile Food Vendor may only operate between the hours of 7 a.m. and 12 a.m.; provided, however, that, when parked on private property within a commercial area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- (i) When operating on public property, 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 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. Any Mobile Food Vending Unit left unattended, contrary to the section, is subject to impoundment at the owner’s expense. This subsection does not apply to private property.
- (j) No Vendor shall represent that the granting of a permit under this Chapter is an endorsement by the city.
- (k) No Vendor shall 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.
- (l) No Mobile Food Vending Unit shall use external bollards, seating or other equipment not contained within the unit when parked on public streets, rights-of-way, of city property. 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.
- (m) Mobile Food Vending Units, when parked on public streets, shall be parked in conformance with all applicable parking regulations, and shall not hinder the lawful parking or operation of other vehicles.
- (n) 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. Units shall only be parked in a location designated for vehicular parking and only in districts zoned for commercial activities. They shall not occupy off-street parking otherwise required for the principal land use on the site.

- (o) Mobile vending units shall not be parked on public property within 50 feet of an existing, permanently-established restaurant during the hours when such restaurant is open to the public for business unless the Vendor is affiliated with or has written permission from that business.

Section 55-6. – Enforcement.

- (a) The City Clerk may immediately revoke the permit of any Vendor who ceases to meet any requirements of this chapter or violates any 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.
- (b) If the City Clerk believes that a Vendor is acting contrary to this chapter or the conditions of that Vendor’s permit, or if a written complaint is filed with the City Clerk alleging a Vendor has violated the provisions of this chapter, the City Clerk shall promptly send notice, by first class mail, postage fully prepaid, of such alleged violations, or a copy of such written complaint, to the Vendor, at the address provided in the Vendor’s application, together with a notice that an investigation will be made as to the truth of the allegations. The Vendor shall be invited to respond to the allegations or complaint within not more than ten days of the date of said notice. If the City Clerk, after reviewing all relevant material, finds, by a preponderance of the evidence, that a violation has occurred, the Vendor’s permit shall be immediately revoked and notice of such revocation shall be promptly sent to the Vendor as provided for herein.
- (c) The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.
- (d) A vendor who violates this chapter is responsible for a civil infraction and subject to a fine of up to \$500.00 per day. Provided, however, that the fine for parking violations shall be those as outlined hereto in these codified ordinances. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.

Section 55-7. - Appeals.

When a permit is denied or revoked by the City Clerk, the Vendor may appeal to and have a hearing before the City Manager within 20 days of the date notice of revocation or denial was mailed. The City Manager shall notify the aggrieved party of the date and time that a hearing will be held on the appeal, and shall make a written determination within 20 days of the date of the hearing, after presentation by the aggrieved party and investigation by city staff, as to whether or not the grounds for denial or revocation are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk shall be sustained, and the applicant may appeal the record of the hearing before the City Manager to the Circuit Court pursuant to Chapter 7 of the Michigan Court Rules.

DATE OF EFFECT.

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of publication.

This ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the ____ day of _____, 2017, and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on Tuesday, the ____ day of _____, 2017 at 7:30 p.m., further this Ordinance was duly published in the _____, _____, _____ edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

_____, Mayor

_____, City Clerk

Dated: _____

Dated: _____

ARTICLE IV. - VENDING^[2]

Footnotes:

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Editor's note— Ord. No. 1119, Pt. IV, and Ord. No. 1120, Pt. IV, both adopted May 7, 2012, repealed former Art. IV, §§ 7-68—7-76, 7-78, 7-79, in its entirety. Former Art. IV pertained to hawkers, peddlers, transient merchants and concessionaires and derived from Ord. No. 853, 7-13-92; Ord. No. 897, Pt. I, 3-23-98; Ord. No. 970, Pt. I, 6-23-03; Ord. No. 1116, Pt. I, 9-12-11. Ord. No. 1120, Pt. I, added provisions numbered as §§ 7-68—7-77. In order to avoid conflicts in section numbering the editor has redesignated the provisions added by Ord. No. 1120 as §§ 7-61—7-70. Ord. No. 1119, Pt. I, added provisions numbered as §§ 7-80—7-89. In order to avoid conflicts in section numbering the editor has redesignated the provisions added by Ord. No. 1119 as §§ 7-73—7-82.

Cross reference— Sidewalk cafes, §§ 7-370—7-378.

State Law reference— Licensing of transient merchants by the county, MSA § 19.711 et seq.

DIVISION 1. - SIDEWALK VENDING

Sec. 7-61. - Definitions.

Applicant means any person who desires to conduct sidewalk vending on a public sidewalk.

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street.

Designated agent means the person designated by the applicant to receive notices authorized by this ordinance on behalf of the applicant.

Downtown vending district means the area of the city set forth as the Central Business District "CBD" in the city zoning ordinance and identified on the city zoning map.

Food means any products sold for human consumption, the sale of which is not prohibited by law.

Food pushcart means a trailer, kiosk or portable stand designed to be readily moveable from which good, wares or merchandise or food are sold for human consumption, the sale of which is not prohibited by law which consists of not less than 80 percent of the products being food items.

Goods, wares, merchandis means, and shall include but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, apparel, jewelry, cosmetics and beauty aids, health products, medicines, household goods or furnishings.

Licensee means an applicant who has obtained a license pursuant to this division to conduct sidewalk vending on a public sidewalk.

Pushcart means a trailer, kiosk or portable stand designed to be readily moveable from which good, wares or merchandise or food are sold from a public sidewalk and not a public street, highway or public parking space.

Sidewalk means that portion of a public right-of-way or public property between the curblin

Sidewalk means that portion of a public right-of-way or public property between the curblin of a street and the adjacent property line improved for pedestrian travel, or, if there is no curblin, then "sidewalk" shall mean that portion of a public right-of-way between the lateral boundary line of the pavement of a street and the adjacent property line improved for pedestrian travel. Sidewalk shall also include any public pedestrian alleys.

Sidewalk vending means peddling, vending, selling, displaying, or offering for sale any goods, wares, merchandise or other thing of value upon a public sidewalk either traveling or from a fixed location in the city.

(Ord. No. 1120, Pt. I, 5-7-12)

Sec. 7-62. - Sidewalk vending license.

No person shall engage in sidewalk vending on any public sidewalk in the city, except as specifically authorized by a license entered into between that person and the city.

(Ord. No. 1120, Pt. I, 5-17-12)

Sec. 7-63. - Locations.

- (a) Sidewalk vending is prohibited in the downtown vending district except sidewalk vending of food pushcarts shall only be allowed in the downtown vending district by specific license designating specific block locations for sidewalk vending on public sidewalks and on such days and during such hours as are established by city council resolution. Sidewalk vending is further restricted from the downtown vending district during an approved special event in the downtown vending district issued by city council under Chapter 16 of the Ferndale Code.
- (b) Sidewalk vending within other zoning districts with a sidewalk vending license is permitted.

(Ord. No. 1120, Pt. I, 5-17-12)

Sec. 7-64. - Sidewalk vending.

Sidewalk vending from a public sidewalk shall be subject to the following requirements:

- (1) Sidewalk vending shall be subject to Chapter 18, Traffic and Motor Vehicle Code of the Ferndale Code.
- (2) Licensees shall comply with all health requirements of the state or county health departments.
- (3) Licensees shall comply with Chapter 2, Article VI, Noise, of the Ferndale Code.
- (4) Tables, carts, chairs, umbrellas or other vending-related installations separate from the pushcart shall not be erected on public property;
- (5) Licensees shall contain all materials and supplies in the pushcart and shall not store supplies or other materials on public property;
- (6) Licensees shall not block or impair vehicular or pedestrian travel;
- (7) A pushcart shall not be left unattended while on a public sidewalk for longer than 15 minutes.
- (8) No licensee shall operate between the hours of 3:00 a.m. and 8:00 a.m.
- (9) A licensee shall keep the areas around its vending operation at all times clean and free from litter, garbage and debris. A licensee shall remove all garbage and debris originating from its vending operation from the city and shall not dispose of its garbage and debris in city trash receptacles or city trash compactors unless authorized by the city.
- (10) Licensees shall not use amplification or noise-making devices in the downtown vending district.
- (11) A pushcart shall be removed from the public sidewalk during the hours of non-operation.
- (12) Licensees shall not connect a pushcart to a source of city electricity, water or sewer.
- (13) Public property shall not be altered and permanent fixtures of any kind shall not be installed on public property by the licensee unless authorized by the city. A pushcart shall not be secured or affixed to any public structure unless authorized by the city.

(Ord. No. 1120, Pt. I, 5-17-12)

Sec. 7-65. - Application fee; license fee; insurance, indemnity, duration; renewal.

- (a) All applicants for a license shall pay a nonrefundable application fee in an amount established by city council resolution. In addition, a license fee in an amount established by city council resolution per calendar year shall be charged for each and every sidewalk vendor license for outside of the downtown vending district. A license fee shall be charged for each and every sidewalk vendor license for a location within the downtown vending district in an amount established by city council resolution.
- (b) A licensee for a sidewalk vending license shall, before issuance of the license, obtain and maintain in full force and effect, at its own expense, commercial general liability insurance that names the City of Ferndale as an additional insured for primary limits of liability for the purpose of protecting the city from all claims and risks of loss as a result of the licensee's activity, occupation, operation, maintenance, or use of the public sidewalk in conjunction with the permitted activity. The insurance shall be in an amount not less than \$1,000,000. Failure to maintain the required insurance coverage is grounds for sidewalk vending license revocation. The licensee shall agree to defend, indemnify, and hold harmless the City of Ferndale, its officials, officers, employees, and agents against any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the licensee, its employees, its subcontractors and anyone for whose acts or omissions they may be liable, arising out of the licensee's use or occupancy of the public sidewalk.
- (c) Any license issued pursuant to this ordinance shall expire at the end of the calendar year in which the license is issued. New applications and applicants for renewal of any license provided for in this division may be submitted by completing an application or renewal application along with payment of the appropriate fee not earlier than the first day in December for the succeeding year.
- (d) Applicants for sidewalk vending in the downtown vending district shall be considered by the city clerk for the city council approved block locations designated in the downtown vending district on a first come, first serve basis after the 7th day of December for the succeeding year. In the event there are more applicants than authorized locations or more than one applicant seeking the same location where the applications are submitted prior to December 7th, the licenses to be issued shall be determined by lottery by the city clerk.

(Ord. No. 1120, Pt. I, 5-17-12)

Sec. 7-66. - Bond required; conditions.

Before any license is issued for sidewalk vending, the applicant shall file with the city clerk a bond running to the city in the sum of \$1,000.00 executed by the applicant, as principal, together with surety. The form of such bond shall be approved by the city attorney and shall be conditioned upon the applicant's full compliance with the provisions of this chapter and the laws and statutes of the state regulating and concerning the sale of food, goods, wares, merchandise.

(Ord. No. 1120, Pt. I, 5-17-12)

Sec. 7-67. - License application; display; transfer; information update.

- (a) An applicant for a sidewalk vending license shall file an application form provided by the city clerk, along with the appropriate fees. The application form shall include the following information:
 - (1) The applicant's name, current business address and telephone number.

- (2) Current government-issued identification document with photo of the applicant and any persons proposed to conduct sidewalk vending.
 - (3) The name under which the sidewalk vending will be doing business;
 - (4) A brief description of the nature of the business and the items to be sold, including whether the applicant will be selling food.
 - (5) County health permit, if applicable.
 - (6) Photographs/description of any sidewalk vending cart, pushcart, or kiosk proposed to be used by applicant.
 - (7) Whether the applicant has ever had a sidewalk vending or street vending license denied, revoked or suspended, and the date and jurisdiction of the denial, suspension or revocation.
- (b) Licenses issued pursuant to this division shall not be transferable from one person to another. Any change in information requested in the application shall be provided to the city clerk within ten calendar days of any such change.

(Ord. No. 1120, Pt. I, 5-7-12)

Sec. 7-68. - License denial; revocation, suspension; procedure; appeal.

- (a) Applications for licenses may be denied by the city clerk for any of the following reasons:
- (1) Fraud, misrepresentation, or false statement contained in the application.
 - (2) Any violation of the provisions of this division regulating sidewalk vending within one year prior to the date of application.
 - (3) The applicant or designated agent has had a sidewalk vending license issued by a city revoked or suspended within the previous year.
 - (4) The applicant has knowingly employed or hired a designated agent in connection with the applicant's sidewalk vending business who has had a vendor license suspended or revoked within the previous year.
 - (5) The application is not complete or any fees or costs required have not been paid.
- (b) Any license issued may be revoked by the city clerk, or suspended for a period up to one year, upon one or more of the following grounds:
- (1) Fraud, misrepresentation, or false statement contained in the application for license.
 - (2) The licensee, or designated agent, has violated a provision of this division or a provision of this ordinance regarding sidewalk vending operations.
 - (3) The licensee or designated agent has had a vendor license issued by another city revoked or suspended within the previous year.
- (c) In determining the appropriate administrative sanction, the city clerk shall consider the following factors: nature and timing of prior warnings; date(s) of violation; previous violations; duration of license; investment in business; circumstances of the violation; punishment imposed for previous violations; cooperation with city officials; and other aggravating or mitigating circumstances directly relating to any violation. If the city clerk determines that an application should be denied or that a license should be revoked or suspended, the city clerk shall notify the applicant or licensee in writing and identify the grounds by certified mail to the most recent mailing address as reflected in the records of the city clerk or by personal service on the applicant or the licensee. Service by mail is complete upon mailing. An applicant or licensee may appeal to the city council the denial, suspension or revocation by filing a written notice of appeal with the city clerk within ten business days after service of the notice of denial, suspension or revocation. The city council may affirm,

reverse or modify the decision. Any hearing shall be a de novo review of the factors stated in this section.

- (d) It shall be unlawful for any person to operate a sidewalk vending operation while the license for that sidewalk vending operation is suspended or revoked. No license suspended or revoked shall be reinstated until an application fee has been paid.

(Ord. No. 1120, Pt. I, 5-7-12)

Sec. 7-69. - Exemptions.

The following persons are exempt from the licensing requirements of this division:

- (1) Any person under the age of 16 years of age, except that persons under age 16 vending from a sidewalk vending unit or pushcart shall be required to obtain a license.
- (2) Any person representing any established public or private school, provided that sales are under the sponsorship of the school.
- (3) Any person exempt from the licensing requirements of this chapter under state or federal law.
- (4) A person selling at a fair, festival or special event in connection with an approved special event, authorized in accordance with a special event license under Chapter 16 of the Ferndale Code.

(Ord. No. 1120, Pt. I, 5-7-12)

Sec. 7-70. - Violations and penalties.

Any licensee, designated agent, or other person having control over any sidewalk vending operation who causes, permits or facilitates any violation of any provision of this ordinance is guilty of a misdemeanor, pursuant to Chapter 1, section 1-7 of the Ferndale Code and may be enforced by a police officer or other authorized city official. Each day any violation of any provision of this ordinance, or the failure to perform any act or duty required by this ordinance, exists shall constitute a separate violation or offense.

(Ord. No. 1120, Pt. I, 5-7-12)

Secs. 7-71, 7-72. - Reserved.

DIVISION 2. - MOBILE VENDING

Sec. 7-73. - Definitions.

Applicant means any person who desires to conduct a mobile vending operation on a public street, highway or public parking space.

Designated agent means the person designated by the applicant to receive notices authorized by this article on behalf of the applicant.

Disposable tableware means eating and drinking utensils made of paper and/or plastic that are disposed of after initial use.

Downtown vending district means the area of the city set forth as the Central Business District "CBD" in the city zoning ordinance and identified on the city zoning map.

Food means any products sold for human consumption, the sale of which is not prohibited by law.

Goods, wares, merchandise means, and shall include but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, apparel, jewelry, cosmetics and beauty aids, health products, medicines, household goods or furnishings.

Licensee means an applicant who has obtained a license pursuant to this ordinance to conduct a mobile vending operation on a public street, highway, or public parking place.

Mobile food vending unit means any motorized or non-motorized vehicle, trailer, kiosk or other device designed to be portable and not permanently attached to the ground from which not less than 80 percent of the products are food items to be vended, sold, served, displayed or offered for sale from a public street, highway or public parking space.

Mobile food vendor means a person who sells, serves or offers for sale items which shall consist of not less than 80 percent food products from a mobile food vending unit from a public street, highway or public parking space. This term does not include a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis for no more than 30 minutes per site per day.

Mobile vending means vending, selling, serving, displaying or offering for sale, wares or merchandise or food from a mobile vending unit or mobile food vending unit located on a public street, highway or public parking space.

Mobile vending unit means any motorized or non-motorized vehicle, trailer, kiosk or other device designed to be portable and not permanently attached to the ground from which any goods, wares, or merchandise, other than food are vended, sold, served, displayed or offered for sale from a public street, highway or public parking space.

Mobile vendor means a person who vends, sells, serves, displays or offers to sell goods, wares, or merchandise, other than food, from a mobile vending unit from a public street, highway or public parking space. This term does not include a mobile vending unit that visits multiple private property sites on a daily basis for no more than 30 minutes per site per day.

Pushcart means a trailer, kiosk or portable stand designed to be readily moveable from which good, wares or merchandise or food are sold from a public sidewalk and not a public street, highway or public parking space.

Sidewalk means that portion of a public right-of-way or public property between the curblines of a street and the adjacent property line improved for pedestrian travel, or, if there is no curblines, then "sidewalk" shall mean that portion of a public right-of-way between the lateral boundary line of the pavement of a street and the adjacent property line improved for pedestrian travel. Sidewalk shall also include any public pedestrian alleys.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-74. - Mobile vending license.

No person shall engage in mobile vending on a public street, highway or public parking space, except as specifically authorized by a license entered into between that person and the city.

(Ord. No. 1120, Pt. I, 5-7-12)

Sec. 7-75. - Locations.

- (a) Mobile vending is prohibited in the downtown vending district, except for mobile vending units or mobile food vending units which shall be specifically licensed for mobile vending in the city hall parking lot or other public parking spaces on such days and during such hours as are identified by city council resolution. Mobile vending is further restricted from the downtown vending district during an approved special event in the downtown vending district issued by city council under Chapter 16 of the Ferndale Code.

(b) Mobile vending within other zoning districts with a mobile vending license is permitted.

Sec. 7-76. - Mobile vending.

(a) The city clerk shall issue a mobile vending license authorizing mobile vending subject to any state, county or local health rules or regulations and all city ordinances and codes along with the requirements of this division. No person shall engage in a mobile vending, or employ or hire another to engage in a mobile vending within the city, without possessing a valid license as provided in this division. A separate license is required for each mobile vending unit or mobile food vending unit. No licensee shall operate under a name that has not been provided to the city clerk. Mobile vending, with a valid license, may occur from a mobile vending unit or mobile food vending unit on a public street, highway or public parking space subject to the following requirements:

- (1) Mobile vending shall be subject to Chapter 18, Traffic and Motor Vehicle Code of the Ferndale Code;
- (2) Licensees shall not stop a mobile vending unit or mobile food vending unit on a public street, highway or public parking space within the downtown vending district without being specifically approved for a specific location identified in the downtown vending district, as provided in subsection 7-75(a);
- (3) Licensees shall comply with all health requirements of the state or county health departments;
- (4) Licensees shall comply with Chapter 2, Article VI, Noise, of the Ferndale Code;
- (5) Tables, carts, chairs, umbrellas or other vending-related installations separate from the mobile vending unit shall not be erected on public property;
- (6) Licensees shall contain all materials and supplies in the mobile vending unit and shall not store supplies or other materials on public property;
- (7) Licensees shall not block or impair vehicular or pedestrian travel;
- (8) A mobile vending unit shall not be left unattended while on a public street, highway or public parking space for longer than 15 minutes;
- (9) Mobile vending activity shall not violate the American with Disabilities Act;
- (10) No mobile vendor or mobile food vendor shall operate between the hours of 3:00 a.m. and 8:00 a.m.;
- (11) A mobile vending unit or mobile food vending unit shall keep the areas around its vending operation at all times clean and free from litter, garbage and debris. A licensee shall remove all garbage and debris originating from its vending operation from the city and shall not dispose of its garbage and debris in city trash receptacles or city trash compactors unless authorized by the city;
- (12) A mobile food vendor shall at no time make use of any outdoor cooking facilities, including grills;
- (13) A mobile food vendor shall at no time utilize outdoor storage, or warming or refrigeration devices, except for disposable tableware;
- (14) Any mobile vending unit or mobile food vending unit shall be removed from the public street, highway or public parking space during the hours of non-operation;
- (15) Licensees shall not connect a mobile vending unit or a mobile food vending unit to a source of city electricity, water, or sewer;
- (16) Licensee shall supply a refuse container for public use that is capable of accommodating all refuse generated by the vending activity which shall be maintained and emptied regularly;

- (17) Public property shall not be altered and permanent fixtures of any kind shall not be installed on public property by the licensee unless authorized by the city. A mobile vending unit shall not be secured or affixed to any public structure unless authorized by the city;
- (18) Licensees shall not use amplification or noise-making devices in the downtown vending district;
- (19) A mobile vending unit's wheels shall be safely secured while the licensee is conducting business in the downtown vending district.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-77. - Application fee; license fee; insurance, indemnity, duration; renewal.

- (a) All applicants for a mobile vending license shall pay a nonrefundable application fee in an amount established by city council resolution. In addition, a license fee in an amount established by city council resolution per calendar year shall be charged for each and every mobile vendor or mobile food vendor license for outside of the downtown vending district. A license fee shall be charged for each and every mobile vendor or mobile food vendor license for a location within the downtown vending district in an amount established by city council resolution.
- (b) A licensee for a mobile vending license shall, before issuance of the license, obtain and maintain in full force and effect, at its own expense, commercial general liability insurance that names the City of Ferndale as an additional insured for primary limits of liability for the purpose of protecting the city from all claims and risks of loss as a result of the licensee's activity, occupation, operation, maintenance, or use of the public street, highway or public parking space in conjunction with the permitted activity. The insurance shall be in an amount not less than \$1,000,000. Failure to maintain the required insurance coverage is grounds for vending license revocation. The licensee shall agree to defend, indemnify, and hold harmless the City of Ferndale, its officials, officers, employees, and agents against any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the licensee, its employees, its subcontractors and anyone for whose acts or omissions they may be liable, arising out of the licensee's use or occupancy of the public street, highway or public parking space.
- (c) Any license issued pursuant to this division shall expire at the end of the calendar year in which the license is issued. New applications and applications for renewal of any license provided for in this division may be submitted by completing an application or renewal application along with payment of the appropriate fee not earlier than the 1st day in December for the succeeding year.
- (d) Applicants for mobile vending in the downtown vending district shall be considered by the city clerk for the council-approved locations designated in the downtown vending district on a first come, first serve basis after the 7th day of December for the succeeding year. In the event there are more applicants than authorized locations or more than one applicant seeking the same location where the applications are submitted prior to December 7th, the licenses to be issued shall be determined by lottery by the city clerk.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-78. - Bond required; conditions.

Before any license is issued for a mobile vending unit, the applicant shall file with the city clerk a bond running to the city in the sum of \$1,000.00 executed by the applicant, as principal, together with surety. The form of such bond shall be approved by the city attorney and shall be conditioned upon the applicant's full compliance with the provisions of this chapter and the laws and statutes of the state regulating and concerning the sale of food, goods, wares, merchandise.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-79. - License application, display, transfer, information update.

- (a) An applicant for a mobile vending license shall file an application form provided by the city clerk, along with the appropriate fees. The application form shall include the following information:
 - (1) The applicant's name, current business address and telephone number.
 - (2) Current government-issued identification document with photo of the applicant and any designated agent or person proposed to conduct mobile vending.
 - (3) The name under which the mobile vendor will be doing business.
 - (4) A brief description of the nature of the mobile vending operation and the items to be sold, including whether the licensee will be selling food products.
 - (5) County health permit, if applicable.
 - (6) A description of all vehicles to be used in the mobile vending operation, including the Michigan license plate number(s) and a complete copy of the current Michigan vehicle registration(s) and proof of vehicle insurance for each proposed mobile vending unit or mobile food vending unit.
 - (7) Whether the applicant has ever had a mobile vendor license revoked or suspended and the date and jurisdiction of the denial, suspension or revocation.
- (b) Licenses issued pursuant to this division shall not be transferable from one person to another. Any change in information requested in the application shall be provided to the city clerk within ten calendar days of any such change.
- (c) Any license issued to the mobile vendor shall be displayed on the mobile vending unit and shall be produced upon request of any law enforcement officer, city code inspector or county health inspector. In the case of a mobile food vendor, any required health inspection certificate shall also be displayed on the mobile vending unit. Any change in the information requested in the application shall be provided to the city clerk within ten calendar days of any such change.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-80. - License denial; revocation, suspension, procedure; appeal.

- (a) Applications for licenses shall be denied by the city clerk for any of the following reasons:
 - (1) Fraud, misrepresentation, or false statement contained in the application.
 - (2) Any violation of the provisions of this division regulating mobile vendors within one year prior to the date of application.
 - (3) The applicant or designated agent has had a mobile vending license issued by a city revoked or suspended within the previous year.
 - (4) The applicant has knowingly employed or hired a designated agent in connection with the applicant's mobile vending business who has had a vendor license suspended or revoked within the previous year or has a suspended driver's license or a designated agent operating a mobile vending unit or mobile food vending unit with a suspended driver's license.
 - (5) The application is not complete or any fees or costs required have not been paid.
- (b) Any license issued may be revoked by the city clerk, or suspended for a period up to one year, upon one or more of the following grounds:
 - (1) Fraud, misrepresentation, or false statement contained in the application for license.

- (2) The licensee, or designated agent of the licensee, has violated a provision of this ordinance or a provision of this ordinance regarding mobile vending operations.
 - (3) The licensee or designated agent has had a vendor license issued by another city revoked or suspended within the previous year.
 - (4) The applicant has knowingly employed or hired a designated agent in connection with the applicant's mobile vending business who has had a vendor license suspended or revoked within the previous year or has a suspended driver's license or a designated agent operating a mobile vending unit or mobile food vending unit with a suspended driver's license.
- (c) In determining the appropriate administrative sanction, the city clerk shall consider the following factors: nature and timing of prior warnings; date(s) of violation; previous violations; duration of license; investment in business; circumstances of the violation; punishment imposed for previous violations; cooperation with city officials; and other aggravating or mitigating circumstances directly relating to any violation. If the city clerk determines that an application should be denied or that a license should be revoked or suspended, the city clerk shall notify the applicant or licensee in writing and identify the grounds by certified mail to the most recent mailing address as reflected in the records of the city clerk or by personal service on the applicant or the licensee. Service by mail is complete upon mailing. An applicant or licensee may appeal to the city council the denial, suspension or revocation by filing a written notice of appeal with the city clerk within ten business days after service of the notice of denial, suspension or revocation. The city council may affirm, reverse or modify the decision. Any hearing shall be a de novo review of the factors stated in this section.
- (d) It shall be unlawful for any person to operate a mobile vending operation while the licensed for the mobile vending operation is suspended or revoked. No license suspended or revoked shall be reinstated until an application fee has been paid.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-81. - Exemptions.

The following persons are exempt from the licensing requirements of this division:

- (1) Any person exempt from the licensing requirements of this chapter under state or federal law.
- (2) A person selling at a fair, festival or special event in connection with an approved special event, authorized in accordance with a special event license under Chapter 16 of the Ferndale Code.

(Ord. No. 1119, Pt. I, 5-7-12)

Sec. 7-82. - Violations and penalties.

Any licensee, designated agent, or other person having control over any mobile vending operation who causes, permits or facilitates any violation of any provision of this division is guilty of a misdemeanor, pursuant to Chapter 1, section 1-7 of the Ferndale Code and may be enforced by a police officer or other authorized city official. Each day any violation of any provision of this division, or the failure to perform any act or duty required by this ordinance, exists shall constitute a separate violation or offense.

(Ord. No. 1119, Pt. I, 5-7-12)

Secs. 7-83, 7-84. - Reserved.

ARTICLE IV
Mobile Food Businesses
[Adopted 1-21-2020 by Ord. No. 2001¹]

§ 25-63. Short title.

This article may be referred to as the "City of Kalamazoo Mobile Food Business Ordinance."

§ 25-64. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MOBILE FOOD BUSINESS — Any motorized or nonmotorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground that is designed and equipped to serve food and/or beverages.

MOBILE FOOD BUSINESS VENDOR — The registered owner of a mobile food business or the owner's agent or employee; and referred to in this article as "vendor."

§ 25-65. Applicability.

The provisions of this article apply to mobile food business engaged in the business of cooking, preparing and distributing food or beverages with or without charge on public or private property. This article does not apply to vehicles which dispense food by moving from place to place and are stationary for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts.

§ 25-66. License required.

- A. It is unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food business without having obtained from the City Clerk a license for that purpose.
- B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

1. **Editor's Note: This ordinance superseded former Art. IV, Mobile Food Vehicle Vendors, adopted 8-20-2012 by Ord. No. 1901**

- (1) Name, signature, phone number, email contact and business address of the applicant.
- (2) Date of food truck inspection by the City of Kalamazoo Fire Marshal or a reciprocal agency (attach copy of approval certificate).
- (3) Information on each vehicle, trailer, or other device, to include year, make, model, and vehicle identification number of the vehicle, vehicle or trailer registration plate number, and its dimensions, used by the mobile food business.
- (4) Information setting forth the proposed plans for power access, water supply and wastewater disposal.
- (5) Copies of all necessary licenses or permits issued by the Kalamazoo County Health Department.
- (6) Insurance coverage:
 - (a) Proof of a general comprehensive liability policy with limits of no less than \$1,000,000 combined single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.
 - (b) Proof of a public liability and property damage motor vehicle policy with limits of no less than \$1,000,000 issued by an insurer licensed to do business in this state.
- C. An annual fee as set from time to time by the City Commission is required with the application.
- D. A mobile food business license is required annually. Licenses are valid January 1 to December 31 of each year.
- E. A license issued under this article shall not be transferable from person to person.
- F. A license is valid for one business only and shall not be transferred between businesses.

§ 25-67. Regulations.

- A. Permitted areas of operation. No operator of a mobile food business shall park, stand or move a vehicle or trailer and conduct business within areas of the City where the vendor has not been authorized to operate. The City Commission shall, by

resolution, identify those streets and public areas where parking by a mobile food business is permitted.

- B. Mobile food business vehicle size. A vehicle or trailer shall not exceed 36 feet in length and nine feet in width. Trailers are required to be detached from tow vehicle.
- C. Service window location. Food and beverage service shall be conducted from the side of the truck that faces a curb, lawn or sidewalk when parked. No food service shall be provided on the driving-lane side of the truck. No food shall be actively prepared, sold, or displayed outside of a mobile food business.
- D. Dining area. No mobile food business vendor shall provide or allow any dining area within 10 feet of the mobile food business, including but not limited to tables and chairs, booths, stools, benches or stand-up counters or within the public right-of-way, including but not limited to sidewalks.
- E. Waste management. All mobile food business 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 operation of mobile food vehicles shall be collected and disposed of off site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- F. Noise. The operation of all mobile food businesses shall meet the City Noise Ordinance,² including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- G. Signage. Signage is allowed on the mobile food business. Additionally, one auxiliary sandwich board sign not more than six square feet in area and up to three feet in height is permitted. The auxiliary sign shall not be placed in vehicle travel lanes and must be located to allow at least five feet of clear pedestrian pathway.
- H. Lighting. No flashing or blinking lights, or strobe lights, are allowed on mobile food business or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- I. Unattended business. No mobile food business shall be left unattended and unsecured at any time food is in the vehicle. Any

2. Editor's Note: See Ch. 21, Nuisances, Art. II, Noise.

mobile food business found to be unattended shall be considered a public safety hazard and may be ticketed and or towed at the owner's expense.

- J. Distance requirements from special event. A vendor shall not operate a mobile food business 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.
- K. 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. When parked on public streets, a mobile food business shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.
- L. Private property. A mobile food business may operate on private property only with owner consent and in compliance with the City Zoning Code.
- M. Awning/signage clearance. When extended, awnings for mobile food vehicles shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
- N. Utilities. Any power required for the operation of a mobile food business located on a public way shall be self-contained, and a mobile food business shall not use utilities drawn from the public right-of-way. A mobile food business on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. Otherwise, all power sources must be self-contained. No power cable or other equipment may be extended at or across any City street, alley or sidewalk.
- O. Separation distance from restaurants. Mobile food businesses shall not be parked within 150 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business.

§ 25-68. Enforcement.

- A. 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 City is responsible for a municipal civil infraction and is subject to a civil fine of \$250 per

day. Each day of violation shall constitute a separate and distinct offense.

- B. License is revocable. Once a license has been issued, it may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this article and any rules or regulations promulgated by the City.

§ 25-69. through § 25-89. (Reserved)

Chapter 35 - MOBILE FOOD VENDING^[1]

Footnotes:

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Editor's note— Ord. No. 665, § 7, adopted May 14, 2018, repealed ch. 35 in its entirety and enacted new provisions to read as herein set out. Former ch. 35, §§ 35-1—35-16 pertained to similar subject matter, and derived from Ord. No. 648, § 2, adopted Feb. 27, 2017.

Sec. 35-1. - Reserved.

Sec. 35-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Brick and mortar restaurant shall mean a business which is on the city's tax rolls and which provides a public seating area, and whose normal business includes the preparation and sale of food and/or beverages.

Food cart shall mean a mobile food vending unit propelled by human power alone, which has been specifically designed or used for mobile food vending and in which food or drink is not prepared on the premises.

Food trailer shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.

Food truck shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending.

Mobile food vending shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit; or vending, serving, or offering for sale food and/or beverages prepared for consumption in a mobile food vending unit; may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.

Mobile food vending unit shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground and in which food or drink is prepared for direct consumption through service on the premises or elsewhere.

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.

Prepackaged and non-perishable food means any food or beverage which is not capable of supporting rapid and progressive growth of microorganisms which may cause food infections; and which is packaged in a hermetically sealed container designed to keep the contents free of contamination by microorganisms and maintain the commercial sterility of its contents after thermal processing. The term shall include packaged candy, gum and confections and bottled or canned water or soft drinks, if the package, bottle or can includes a manufacturer's quality assurance date. In no case shall the term include fresh or processed meats, poultry, seafood, dairy products, eggs, or fresh fruit and vegetables.

Vendor shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single mobile food vending unit then vendor shall mean all individuals operating such mobile food vending unit.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-3. - License required.

No vendor shall engage in mobile food vending without a license from the city clerk authorizing such vending. The city clerk shall prescribe the form of such license and application for such license. All licenses shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this chapter.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-4. - Exceptions to permit.

Mobile food vendors that are only operating in association with a special event licensed under a City of Marquette Special Events Permit will be addressed through that licensing process.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-5. - Duration; nontransferability.

Licenses or permits may be issued by the city clerk for the city business license year. Any license issued under this chapter is nontransferable.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-6. - Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the city clerk for a license or permit under this chapter. The applicant shall truthfully state, in full, all information requested by the city clerk. The application for a license shall be on forms provided by the city clerk and shall include the following information:

- (1) Name, signature, phone number, email contact, driver's license copy, and address of the applicant.
- (2) A list of the food products offered for sale and a description of preparation methods.
- (3) A description of and information on the mobile food vending unit including size.
- (4) Information setting forth the proposed hours of operation, intended areas of operations, plans for electrical access, wastewater disposal, and trash disposal.
- (5) Copies of all applicable licenses and/or permits issued by the Marquette County Health Department.
- (6) Proof of all insurances required by the city including a proof of comprehensive liability with limits of no less than \$1,000,000.00 combined single coverage which names the city as additional insured.

Prior to a license being issued for a mobile vending unit, the unit must be approved by the Marquette Fire Department. If applicable, applicants will be required to provide satisfactory proof of a propane inspection, conducted by a certified inspector.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-7. - Fees.

An application for a license under this chapter shall be accompanied by a fee in the amount established by resolution of the city commission. There shall be no proration of fees. Fees are non-refundable. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-8. - Residential vending by permission.

In residential areas not identified by city commission resolution as vending locations, mobile food vending is permitted on a case-by-case basis. Following a review of proposed vending times and activities, approval may be given by the chief of police.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-9. - Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) May only operate during hours established by city commission resolution.
- (2) If operating on city-owned or controlled property, may only locate on property identified under city commission resolution.
- (3) Mobile food vending unit shall not exceed 36 feet in length or nine feet in width.
- (4) 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.
- (5) The customer service area for mobile food vending unit shall be on the side of the street that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving lane side of the truck or vehicle.
- (6) Mobile food vending units utilizing public parking spaces or parked on public streets shall conform to all applicable parking regulations, including depositing an appropriate sum of money into parking meters as required, and shall not hinder the lawful parking or operation of other vehicles.
- (7) No food shall be displayed outside of a mobile food vending unit.
- (8) While operating on city-owned or controlled property, shall not provide or allow any dining area within ten feet of mobile food vending unit, including but not limited to tables and chairs, booths, stools, benches, and stand up counters.
- (9) 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.
- (10) Shall not operate on city-owned or controlled property within one block of a city-sanctioned or authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
- (11) Shall not use external signage, bollards, seating or other equipment that is not contained in the vehicles. Signage is only permitted when physically part of the mobile food vending units. No separate freestanding signs are permitted.
- (12) Shall not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

- (13) Shall comply with all other city ordinances; specifically, all operations related to vending must comply with and are subject to enforcement of section 22-30 (noises) of the Marquette City Code of Ordinances.
- (14) Shall comply with all applicable federal, state and county regulations.
- (15) A mobile food vending unit may not be left unattended.
- (16) A mobile food vending unit on city-owned or controlled property shall be removed during the hours stipulated under city commission resolution.
- (17) Any power required for the mobile food vehicle located on city-owned or controlled property shall be self-contained and shall not use utilities drawn from the city-owned or controlled property.
- (18) Mobile food vending units on private property may use electrical power from the property being utilized with prior written authorization of the power customer.
- (19) Power cables or similar devices shall not be run across any city street or alley, and shall not be run on the ground across or within pedestrian walkways or areas.
- (20) Mobile food vending units parked on city-owned or controlled property shall not be parked within 150 feet of any entrance to an existing, brick and mortar restaurant during the hours when such restaurant is open for business to the public, unless written permission, a copy of which must be provided to the city, is first given by the restaurant owner.
- (21) Vendors may not represent the granting of a license under this chapter as an endorsement by the city.
- (22) At any time, such mobile food vending unit shall be at least 25 feet from all intersections and driveways.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-10. - Reserved

Sec. 35-11. - Impoundment.

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

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-12. - Other licenses or permits.

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

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-13. - Revocation.

The license or permit may be voided at any time by written notice to the city clerk. By a duly authorized law enforcement officer observing a violation of this chapter, a violation of any federal, state or local regulation, or a situation that is adverse to the protection of the public health, safety, and welfare. A

license may also be revoked if it is discovered that an applicant has made a false statement on their application. Immediately upon such revocation, the license shall become null and void.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-14. - Complaints; appeals.

If a written complaint is filed with the city clerk alleging a mobile food vendor has violated the provisions of this chapter, the city clerk shall promptly send a copy of the written complaint to the vendor together with a notice 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 respond to evidence produced by the investigation. If the city clerk or designee, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. A mobile food vending license can be revoked or suspended in compliance with sections 12-40 and 12-41 of this Code.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-15. - Appearance tickets.

The fire chief, fire inspector, police chief and sworn officers of the police department, or such other officials as designated by the city manager are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the city attorney and shall be in conformity with all statutory requirements.

(Ord. No. 665, § 7, 5-14-2018)

Sec. 35-16. - Civil infraction.

A vendor who violates this chapter is responsible for a civil infraction and subject to a fine of \$500.00 per day.

(Ord. No. 665, § 7, 5-14-2018)

Chapter 360

FOOD TRUCKS/MOBILE FOOD VENDING UNITS

§ 360-1. Intent.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Monroe, while providing a framework under which such businesses operate, this chapter is established.

§ 360-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOD TRUCK — A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.

MOBILE FOOD VENDING — Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

MOBILE FOOD VENDING UNIT — Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

VENDOR — Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

OPERATE — All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

§ 360-3. Permit required.

- A. No vendor shall engage in mobile food vending without a permit issued by City of Monroe Clerk/Treasurer's office authorizing such vending. The Monroe City Council shall prescribe the form of such permits and the application for such permits.
- B. All permits shall be prominently displayed on the mobile food vending unit. A permit for vending shall not be issued by the Clerk/Treasurer's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.

- C. A vendor who has applied for and received a permit to operate a food truck or mobile food vending unit under this chapter does not have to also apply for and receive a permit to operate under the City of Monroe's Hawkers, Peddlers and Transient Merchants Ordinance (Chapter 374 of the Monroe Code).

§ 360-4. Duration of permit; nontransferability.

Permits issued by the City of Monroe Clerk/Treasurer's office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this chapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

§ 360-5. Application for permit.

- A. Any vendor desiring to operate a food truck or engage in mobile food vending in the City of Monroe shall submit a completed application to the City of Monroe Clerk/Treasurer's office and receive a permit issued by that office.
- B. The applicant shall truthfully state, in full, all information requested on the application for permit issued by the City of Monroe Clerk/Treasurer's office. Additionally, the applicant shall provide all documentation, such as insurance, as required by this chapter or the City of Monroe. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 360-6. Single-event permits.

A single-event application is also available from the City of Monroe Clerk/Treasurer's office for vendors wishing to operate a food truck or mobile food vending unit during a City-sponsored or City-endorsed special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 360-7. Fees.

An application for a permit shall be accompanied by a fee in the amount established by resolution by the Monroe City Council. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Clerk/Treasurer's Office.

§ 360-8. Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements.

- A. Food trucks/mobile food vending units shall only operate in districts zoned C-O, CBD, C-1, C-2, I-1, I-2, PROS, Waterfront Commercial, or Planned Unit Development Districts, or other districts approved by the Monroe City Council.
- B. Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the City Clerk/Treasurer's office. No food service shall be allowed on the driving lane side of the mobile food vending unit. If operating on a private street, the customer service area for mobile food vending units shall be on the curb lawn or sidewalk when parked.
- C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
- D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
- E. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- F. Vendors shall not 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 City of Monroe
- G. There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.
- H. Mobile food vending units shall not be parked and operating from 7:00 a.m. to 5:00 p.m. in the following areas: Front Street from Cass Street (on the west) to South Macomb Street (on the east); and Washington Street from Loranger Square (on the south) to East Front Street (on the north).
- I. Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to dining furniture, fixtures, and equipment.
- J. No vendor shall 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 street or sidewalk except in a safe manner. If unit is not self-contained and requires electric service, a permit issued by the City of Monroe Building Department is required.
- K. Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- L. Vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

§ 360-9. Other permits.

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

§ 360-10. Complaints; appeals; revocation of permit.

- A. If a written complaint is filed with the City of Monroe Clerk/Treasurer's office alleging a food vendor has violated the provisions of this chapter, the Clerk/Treasurer's office shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the Clerk/Treasurer's office, with the assistance of other City departments, as required, as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Clerk/Treasurer's office, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- B. The City of Monroe Clerk/Treasurer's office shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local law, ordinance or regulation; makes a false statement on his/her application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
- C. If a permit is denied or revoked by the Clerk/Treasurer's office or if a written complaint is certified pursuant to this chapter, the applicant or holder of the permit may appeal to Monroe City Council. Such appeal shall be in writing. The City Council (or designee) shall make a written determination, after reviewing evidence related to the appeal, as to whether the denial, revocation, or complaint is valid. If the City Council (or designee) determines that the denial, revocation, or complaint is valid as supported by a preponderance of the evidence, the action of the Clerk/Treasurer's office shall be sustained. The applicant may appeal the decision of the Monroe City Council (or designee) to a court of competent jurisdiction.
- D. Immediately upon such revocation, the Clerk/Treasurer's office shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.

§ 360-11. Appearance tickets.

The Monroe Police Department or such other officials as designated by the Monroe City Council are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law.

§ 360-12. Civil infraction.

A violation of this chapter is designated as a civil infraction subject to fines as set out in § 1-27E of the Monroe Code.