

TOWNSHIP OF WHITEFORD
ORDINANCE NO. 79

FOOD TRUCK ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF WHITEFORD, SETTING FORTH THE
PERMITTING AND LICENSING REQUIREMENTS FOR MOBILE FOOD
BUSINESSES

THE TOWNSHIP OF WHITEFORD ORDAINS:

Section 1. Purpose.

The purpose of this ordinance is to establish a framework for managing mobile food businesses on township property in order to support culinary entrepreneurship, small business development, and increased vibrancy in Whiteford Township. This ordinance does so in a way that promotes public health, safety, and welfare.

Section 2. Definitions.

- a. Mobile Food Vending Business (aka “Mobile Food Vending” or “Food Truck”) shall mean the preparation of, and offering for sale, food and/or beverages from a mobile food vending unit; which means for purposes of this ordinance, a self-contained, fully enclosed vehicle including attached trailers for smokers and/or grills. This definition does not include food tents, food carts, or food trucks that do not stay in one location for more than 15 minutes at a time such as ice cream trucks.
- b. Vendor shall mean any business engaged in Mobile Food Vending.
- c. Food Truck rallies are coordinated and advertised gatherings of more than two (2) food vendors in one location on a specific date, not to exceed three (3) consecutive days, with the intent to serve the public.

Section 3. Permit Required.

- a. No business shall engage in Mobile Food Vending or operate a Mobile Food Truck without a valid permit required under this section. To the extent authorized by any such permit granted under the provisions of this section, the permittee may conduct such permitted business on the approved site only in accordance with this ordinance. The permit shall be valid for a time period set by the Township Official overseeing such permits.
- b. Any Mobile Food Vending Business operating on township owned property shall have obtained a Mobile Food Vending Permit. Any vendor participating in Mobile Food Vending on township property shall be required to obtain a permit from the township and to follow all rules and regulations pertaining to Food Trucks and Vendors as stated in Monroe County Health Department guidelines and/or State of Michigan guidelines.

Fees. Permit fee shall be established and posted by Whiteford Township Board of Trustees Resolution.

Clean Up Bond. May be required by the Township for longer term food vendors.

Section 4. Application for Permit.

Vendors seeking to engage in Mobile Food Vending shall make a written application to the Township Designee for a permit under this ordinance. The application for a permit shall be on forms provided by the Township Designee and shall be accompanied by a fee established by resolution of the Township Board. Application information required shall include the following:

- a. Name of the applicant, copy of their driver's license, business name, signature, phone number, email contact and business address of the applicant/owner of the Food Truck. County and/or state vending license is also required.
- b. Information on the Mobile Food Vendor, including the year, make and model of the vehicle including current Motor Vehicle Registrations and current vehicle insurance.
- c. If Approved, the Township office or their designee will provide a certificate to each permitted Mobile Food Vendor's vehicle.
- d. A permit issued under this ordinance is valid for one (1) Mobile Food Vendor vehicle (one vehicle) and its employees, agents for a duration of time determined by an agent of the Township.
- e. A permit issued under this ordinance shall not be transferable from Vendor to Vendor or from one (1) vehicle to any other vehicle.

Section 5. Locations Permitted.

Mobile Food Vendors permitted under this ordinance shall be permitted to operate only in property owned by Whiteford Township in accordance with the terms of their Whiteford Township Mobile Food Vendor permit. All special event permitting ordinances and requirements in the Township continue to apply and to be in full force and effect in addition to this ordinance. The provisions of this ordinance shall not apply to vending in connection with Special Events as provided for in this Code in which case the Special Events provisions of this Code and any resolution adopted in connection with the special event shall apply. This ordinance also does not cover food trucks on privately owned property.

Section 6. Operating Guidelines.

Vendors shall be ready to provide visual proof of the Whiteford Township Mobile Food Vendor Permit along with all necessary Monroe County Health Department and/or State of Michigan permits at all times.

- a. Hours of Operation.

In the parking lots of public parks, from dawn until dusk consistent with other park

activities.

In all other township property, 6:00 am until 10:00 pm

- b. All Mobile Food Businesses shall offer a waste container for public use which the Vendor shall empty at its own expense. All waste originating from the Mobile Food Business operation shall be collected and disposed of off-site by the Vendor each day. Spills of food or food by-products shall be cleaned up immediately. There is no dumping of gray water or grease on the site, street, parks, or storm drains. Vendors should take appropriate precautions to prevent spills or other damages to the public property, including but not limited to park land, sidewalks, and streets. Vendors will be liable to pay for any damages to the public property and/or drains as a result of their operation. Vendors are responsible for all gray water, grease, and other food waste, which shall not be dumped or disposed of on or into public property including drains.
- c. No Mobile Food Business shall make or cause to be made any unreasonable or excessive noise. No loud music or amplified announcements are permitted. Additionally, all generators must operate at a level of 70 decibels or lower when measured from a distance of 15 feet. Inspections may be conducted by the township ordinance officer or township designee.
- d. All Mobile Food Businesses shall direct exhaust away from the service side of the vehicle. Inspections may be conducted by the township ordinance officer or township designee.
- e. Signage shall be placed on the Mobile Food Vehicle. Separate free-standing signs are permitted in accordance with the Township's existing sign regulations, and subject to Designated Township Official approval at time of Mobile Food Vendor Permit application.
- f. No flashing, blinking or strobe lights are allowed when the Mobile Food Business is parked and/or in service. All exterior lights of more than 60 watts shall contain opaque hood shields to direct illumination downward.
- g. Any power required for a Mobile Food Business shall be self-contained and self-provided and shall not draw on public utilities without written authorization from the Township. No power cable shall be extended on or across any city street or sidewalk except in a safe, concealed manner designated to prevent tripping.
- h. No Mobile Food Business shall have the right to occupy any particular space except through the permitting process.
- i. No vending is allowed within 15 feet of a fire hydrant or an existing restaurant.
- j. All Mobile Food Trucks shall have handwashing stations.
- k. There shall be no overnight parking nor any vehicle left unattended unless specifically approved by the Designated Township Official, the Monroe County Sheriff, the Fire Chief or the Ordinance Officer.
- l. All awnings shall comply with dimensions, and material approved by Whiteford Township.

Section 7. **Impoundment.**

Any equipment associated with the Mobile Food Business that is not in compliance with this ordinance and left on public property may be impounded at the owner's expense.

Section 8. **Other Permits or Licenses or Authorizations.**

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

Section 9. **Denial, suspension, revocation of permit.**

"Cause" for permits and licenses. The term "cause", as used in this ordinance, means and includes the following acts, omissions, or events when done, not done, or caused by the Mobile Food Vendor, their officers or principal employees, or employees (generally), agents, owners acting within the scope of their employment pursuant to their supervisor's direction:

1. The doing or omitting of any act or permitting any condition to exist in connection with any trade or business for which a permit is issued under the provisions of this ordinance, or any premises or facilities used in connection therewith, which act, omission, or condition is injurious to the health, safety, or welfare of the public; is unlawful or fraudulent; is unauthorized or beyond the scope of the permit granted; or is forbidden by the provisions of this Code or rule or regulation of the Township, or any state or federal law, applicable to the trade or business for which the permit was issued.
2. The conviction of the permittee, its agents, employees, and/or owner for any crime involving moral turpitude;
3. Fraud, misrepresentation, or any false statement made in the application for permit or registration;
4. Any violation of this ordinance;
5. Conducting a business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or welfare of the public;
6. Failure or inability of a permittee to meet and satisfy the requirements and provisions of this ordinance, every ordinance of the Township, and every requirement of state and federal law. Failure to maintain Health Department approval and the required amount of commercial general liability insurance with general aggregate including products liability;
7. Owner and/or Lessee of the site where the Mobile Food Vendor is requesting to be located must be compliant with the ordinances of the Township, every requirement of state and federal law, and current with taxes including personal property, and water/sewer charges.

- a. "Cause for applicants". The term "cause", as used in this ordinance and applied to "applicants" means the same as it does as applied to "permittees" as more fully described in (a) above this section.
- b. Procedure for the denial, suspension, or revocation of permits. Should the Designated Township Official believe that there is cause to deny, suspend, or revoke a permit, the Mobile Food Vendor should direct all appeals to the Whiteford Township Board of Trustees.

Section 10. **Violations**

A person who does any of the following shall be responsible for a Civil infraction:

1. Engages in or conducts a business, trade, or other activity for which a permit is required by this ordinance, but does so without having first obtained such a permit or does so when the applicable permit is expired, suspended, and/or revoked;
2. Operates a vehicle requiring a Township business permit, but does so without having such a permit or does so when the applicable permit or a state or county license is expired, suspended, and/or revoked;
3. Performs labor as an officer, agent, employee, or independent contractor as part of the business of any employer where the employer has committed or is committing either or both of the preceding violations above, specifically the violation at section 16-212(a)(1) and (2). To prove this offense, the prosecutor does not need to prove that the employer of the officer, agent, employee, or independent contractor was aware of the violation by the employer;
4. Knowingly gives false information in an application for a permit under this ordinance.

Nothing in this ordinance shall limit the remedies otherwise available to the Township to address any violation of this ordinance.

11. **Effective Date**

This ordinance shall become effective upon publications as provided by law. This ordinance shall take effect thirty (30) days after publication.

AUTHENTICATION

WHITEFORD TOWNSHIP BOARD
COUNTY OF MONROE
STATE OF MICHIGAN

AUTHENTICATED:

By: *Christine Bischoff*
Christine Bischoff
Whiteford Township Clerk

By: *Jeffrey Thomas*
Jeffrey Thomas
Whiteford Township Supervisor

I, Christine Bischoff, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Whiteford Township Board of Trustees, Monroe County, Michigan, at a regular meeting of the Whiteford Township Board of Trustees held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 19th day of August, 2025 and that: this Ordinance was offered for adoption by Steve Morgan and was seconded by Bob Lloyd the vote being as follows:

YEAS: Steve Morgan, Bob Lloyd, Christine Bischoff, Lee Strahan, Jeff Thomas

NAYS: None

ABSENT / ABSTAIN: None

I, Christine Bischoff, Whiteford Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Whiteford Township Board of Trustees on the 19th day of August 2025.

Christine Bischoff
Christine Bischoff, Clerk
Whiteford Township, Michigan

ADOPTED: August 19, 2025

PUBLISHED: August 27, 2025

EFFECTIVE: September 27, 2025