

VILLAGE OF OXFORD
ORDINANCE NO. 420
OAKLAND COUNTY, MICHIGAN

THE VILLAGE OF OXFORD ORDAINS:

The Village of Oxford hereby adopts Ordinance No. 420 to read as follows.

TITLE.

This ordinance shall be known as the “Mobile Food Establishment Ordinance.”

ARTICLE I – DEFINITIONS

As used in this chapter, the following terms and phrases shall have the following meanings. Except as explicitly defined below, terms and phrases shall have the meanings as defined in this Code.

Alcoholic liquor means any beverage containing more than one-half of one percent alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of MCL 436.2, as amended.

Applicant(s) shall mean an individual, corporation, association, partnership, trust, firm, or similar entity.

Mobile Food Establishment means a licensed and operable motor vehicle or trailer, which includes any kitchen equipment used commercially for cooking, that operates in a transient or static location and involves the preparation, cooking, and sale of food and/or nonalcoholic beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

ARTICLE II – PURPOSE AND SCOPE

Section 1

Purpose. The intent and purpose of this Ordinance is to ensure the safe and orderly operation of Mobile Food Establishments within the Village of Oxford by establishing regulations for Mobile Food Establishments and to provide penalties for and enforcement of violations of this ordinance.

Section 2

Scope. This Ordinance shall apply to all Mobile Food Establishments engaged in the business of cooking, preparing, selling, or distributing food or beverages, with or without charge, upon or in public or private

spaces within the Village and where cooking appliances and domestic cooking appliances are used for commercial purposes that produce grease or smoke as a result of the cooking process.

ARTICLE III – GENERAL PROVISIONS

Section 1

Mobile Food Establishments shall comply with the following standards:

- (a) **Property Owner Permission.** Mobile Food Establishments operating on private property must receive the property owner's written consent prior to operation. Mobile Food Establishments are required to obtain written consent and Special Event application approval prior to operating on public Village owned property unless the Mobile Food Establishment is part of an already approved event. Village owned property includes any public streets, parks and parking lots.
- (b) **Location.** Mobile Food Establishments that meet the standards of this Ordinance may be permitted in all zoning districts, unless restricted, prohibited, or otherwise regulated by the Village of Oxford Zoning Ordinance or any other applicable Village Ordinance.
- (c) **Insurance.** All Mobile Food Establishments shall have proper vehicle registrations and current/valid registration plates. All vehicles shall be properly insured in accordance with state law.
- (d) **Alcoholic beverages.** Mobile Food Establishments shall not serve alcoholic beverages or allow the consumption of alcoholic beverages in their service area(s) or dining area(s) unless Applicant has obtained all appropriate permits required by the State of Michigan and any necessary approvals from the Village of Oxford. Service or dining areas in the Village of Oxford Social District are deemed to have all appropriate permits for the consumption of alcohol sold by approved social district licensed businesses.
- (e) **Service Area.** The area(s) where customers stand in line to place or pick up an order ("service areas") for Mobile Food Establishments shall not be located on a street, road, or within the road right of way, and, if in a parking lot, shall be located a safe distance from the travel lanes of a parking lot. Allowable Service Areas are subject to the Village of Oxford approval.
- (f) **Dining Areas.** The area(s) where customers may sit or stand at tables to consume food or beverages ("dining areas") shall not be located on a street, road, or within the road right of way, and, if in a parking lot, shall be located a safe distance from the travel lanes of a parking lot. Allowable Dining Areas are subject to the Village of Oxford approval.
- (g) **Preparation and Storage.** Food shall not be prepared, sold or displayed outside of the mobile food establishment.
- (h) **Materials, Food and Supplies.** All materials, food and supplies must be stored within the Mobile Food Establishment, or may be adjacent to the Mobile Food Establishment, in an enclosed container. Food and condiments may be displayed on shelves attached to the Mobile Food Establishment.

- (i) Obstructions. Mobile Food Establishments and their respective service areas and dining areas shall not obstruct or impede vehicular, pedestrian, or non-motorized travel or movement, nor create visual obstructions for vehicular traffic.
- (j) Waste. Waste associated with Mobile Food Establishments shall be managed as set forth below.
 - (1) Waste Container. Mobile Food Establishments must be equipped with sufficient garbage or refuse containers to fully manage their waste, including one container of sufficient size provided for patrons. In no instance shall Mobile Food Establishment waste be disposed of in a dumpster owned by others.
 - (2) Daily Cleaning. All waste, spilled food, food byproducts, and litter left by customers associated with each Mobile Food Establishment (collectively "waste"), shall be cleaned up and collected, and thereafter properly and lawfully disposed of, by the Mobile Food Establishment operator at least daily.
 - (3) Dumping of Fluids. Dumping of gray water, grease, or any other fluid onto land or any street or into any storm sewer is prohibited.
- (k) Fire Code. Mobile Food Establishments shall be subject to an annual inspection by the Oxford Township Fire Department to confirm compliance with Michigan Fire Protection Code standards, including, but not limited to, standards required for fire extinguishers, fire extinguishing systems, compressed gas/liquid propane gas, generators, electrical, location, and general fire safety.
- (l) Water. Mobile Food Establishments shall not be temporarily connected to a water source unless the Applicant provides verification to the Village that it is a potable water source and uses a hose bibb anti-siphon vacuum breaker device.
- (m) Sewer. Mobile Food Establishments shall not be connected to sanitary or storm sewer facilities.
- (n) Noise & Exhaust/Wheel Chocks. Mobile Food Establishments shall use wheel chocks while parked to prepare or distribute food. A Mobile Food Establishment shall position its location so as to minimize the impacts of noise and exhaust generated by that Mobile Food Establishment on adjoining businesses or to areas where the public is expected to gather. Such conditions, when known in advance, may be listed as a condition on the approvals as allowed under Article IV, Section 2(g) and enforced in accordance with the Ordinance.
- (o) Display of Permits. Mobile Food Establishments shall prominently display any required permits and licenses while in operation.
- (p) Hours of operation. No Mobile Food Establishment may be continuously on a site for more than 72 consecutive hours unless approval has been given as part of a Special Event Application.

ARTICLE IV – PERMITS

Section 1

It shall be a violation of this Ordinance to operate a Mobile Food Establishment without the necessary licenses, permits, and approvals, as set forth below.

- a) Mobile Food Establishments shall obtain a permit on an annual basis as set forth in more detail below, which shall be valid for one (1) calendar year, provided that the Applicant remains in compliance with the permit requirements. Permits obtained through the Oxford Fire department are valid in the Village of Oxford and Oxford Township.
- b) Oakland County Health Department Permit. All Mobile Food Establishments must obtain and maintain any permits and approvals required by the Oakland County Health Department.
- c) State of Michigan. All Mobile Food Establishments must obtain and maintain any permits, licenses, and approvals required by the Michigan Department of Agriculture and Rural Development.
- d) Others. All Mobile Food Establishments must obtain and maintain any other permits, approvals, or licenses required by law.
- e) Transferability. A license or permit issued under this Ordinance shall not be transferred from person to person or to another Mobile Food Establishment.

Section 2 – Administration

This Ordinance shall be administered by the Oxford Fire Department Fire Chief and/or their designee and the Village of Oxford, as outlined below.

- (a) Order of Process. The following shall be the order of process in obtaining a Mobile Food Establishment Permit:
 - (1) Applicant obtains from and submits the permit application to the Fire Department.
 - (2) Fire Department schedules an inspection with the Applicant.
 - (3) Fire Department conducts the inspection.
 - (4) If the Mobile Food Truck Establishment passes the inspection and meets all requirements of this Ordinance and the Zoning Ordinance, the Fire Department shall issue a permit under this Ordinance. The Fire Department shall also provide the applicant with a Mobile Food Truck sticker and applicant shall prominently display its sticker on the outside of the Mobile Food Establishment.
- (b) Mobile Food Establishment Permit Application. A Mobile Food Establishment permit shall include the following materials:
 - (1) A signed and completed Application form.
 - (2) Any necessary written permission from property owners.

- (3) A fee, as adopted by resolution of the Oxford Village Council; and
- (4) Any additional information necessary to determine compliance with this Ordinance and other applicable ordinances, laws, permits, and regulations.
- (c) Timely Submission. Mobile Food Establishments shall submit a permit application two (2) business days before any required inspection to operate. In the event an Applicant requests a permit for a Mobile Food Establishment and requires an inspection with less than two (2) business days' notice, the Applicant shall be subject to payment of an increased permit fee as set forth by Resolution of the Oxford Village Council.
- (d) Complete and Accurate. Submission of an Application constitutes a representation that all of the information is complete and accurate at the time it is submitted for consideration.
- (e) Issuance. Annual Mobile Food Establishment Permits shall be issued by the Oxford Fire Department Fire Chief and/or their designee after the permit Applicant has passed an inspection conducted by the fire department. All permits issued by the fire department shall expire on December 31st of every calendar year as long as the Applicant remains in compliance with the provisions of this Ordinance and other applicable ordinances, permits, regulations, and laws. The review shall be conducted in consultation with the Fire Chief or their designee and other applicable entities and agencies.

Operating without a Permit. In the event a Mobile Food Establishment is found to be operating without a permit, it shall constitute a violation of this Ordinance and shall constitute a civil infraction as defined by Michigan law and shall be subject to a civil fine of not more than five hundred (\$500.00) dollars, as set forth in sec. 3 of this Ordinance. Prior violation(s) of this Ordinance, or operating without a permit, if repeated and demonstrates a disregard for the requirements of this Ordinance, may form the basis to deny future permits under this Ordinance.

- (f) Withholding Permit. Issuance of any license or permit may be withheld pending verification that any other necessary approvals have been granted.
- (g) Conditions. Reasonable conditions may be placed on approvals, as outlined below.
 - (1) Health, Safety, and Welfare. Conditions shall be designed to protect the health, safety, and welfare of the patrons, vendors, adjacent property owners, and the community as a whole.
 - (2) Police Power. Conditions shall be related to the valid exercise of the police power and purposes affected by the activity.
 - (3) Compliance. Conditions shall be designed to ensure compliance with the provisions of this Ordinance, other Village ordinances, County requirements, and state and federal law.
- (h) Suspension and Revocation. As outlined below, approval may be immediately suspended on a temporary or permanent basis by the Village of Oxford, Oxford Fire Chief and/or their designee.

- (1) Notice. The Applicant shall receive written notice of the possible suspension or revocation, including the reason for the suspension or revocation, and actions necessary, if any, to prevent the suspension or revocation. In the case of an immediate emergency, as determined by the Village of Oxford, Oxford Fire Chief or their designee, the Mobile Food Establishment may be shut down pending further investigation, notice, and any hearing, as provided herein.
 - (2) Decision Criteria. After providing the Permittee notice and an opportunity to respond, the Village Manager may issue an order to suspend, restrict, or revoke a Mobile Food Establishment Permit if the Village Manager makes any of the following findings:
 - a. An imminent threat exists to the health, safety, or welfare of persons or neighboring properties;
or
 - b. The Applicant has violated or currently fails to comply with any condition of its license or permit or with any applicable Village ordinance, County requirement, or state or federal law.
 - (3) Effect. Upon revocation of an approval, all activity shall cease immediately, except for work related to securing the site or correcting a violation, as determined by the Village of Oxford, the Fire Chief and/or their designee.
- (i) Appeal. Appeals of decisions made in the administration of this Ordinance shall be heard and decided by the Oxford Village Council. The appeal of any suspension, restriction, or revocation of a permit under this Ordinance shall be decided by the Oxford Village Council after providing the Permittee a reasonable opportunity to respond and to be heard on terms and conditions as determined by the Village Attorney using the Decision Criteria set forth above in Section 2(h)(2).

Section 3 – Enforcement

A violation of this Ordinance or any license, permit, or condition issued under this Ordinance is a municipal civil infraction and subject to enforcement, as set forth below.

- (a) Party to Violation. Any person who violates this Ordinance, or fails to comply with its terms, or with any of the conditions of any License or Permit, shall be responsible for a municipal civil infraction. Any property owner who violates or allows a violation of this Ordinance on his/her/its property shall be responsible for a municipal civil infraction.
- (b) Each Day. Each day that any violation exists or continues shall be deemed a separate offense.

Penalty. Any person or other entity who causes or permits to continue a public nuisance as prohibited by the Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than five hundred (\$500.00) dollars, plus costs, which may include all direct or indirect expenses to which the Village has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 4 – Severability

This Ordinance, and all provisions hereof, are hereby declared to be severable, and if any provision hereof or part hereof is adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby declared and provided that the remainder of this Ordinance shall not be affected thereby.

Section 5 – Effective date and Adoption

Effective Date. This Ordinance shall be published in a newspaper of general circulation in the Village of Oxford and shall become effective upon publication, as provided by law.