

**Chapter 863
Food Vendors**

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CROSS REFERENCES
Business Registration Chapter 850
Vendors in Central Business District Chapter 862
Michigan Public Act 92 of 2000 (MCL 289.1101 et seq.)
Noise Ordinance Chapter 662
Zoning Ordinance Article 21 - Signs

863.01 PURPOSE

To regulate the operation of food vendors in the City of Manistee, protecting the public health and safety by ensuring that regulations tailored to address demonstrable health and safety risks are followed.

863.02 DEFINITIONS

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- A. Food Vending shall mean vending, serving, or offering for sale food and/or beverages from a 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 a tee shirt that bears the name of the organization engaged in Food Vending.
- B. 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 from which food is vended, served, or offered for sale.
- C. Vendor shall mean any individual engaged in the business of Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- D. Operate shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the food vending unit is open for business.

863.03 HOURS OF OPERATION

- A. Residential Districts. 9:00 am to 9:00 pm.
- B. Commercial Districts. 6:00 am to 11:00 pm.

- C. Industrial Districts. Business hours of the business on site.
- D. City Owned Properties.
 - 1. Boat Launch's/Fishing areas. 5:00 am to 11:00 pm.
 - a) Arthur Street Boat Launch
 - b) First Street Boat Launch/Fish Cleaning Station Area/Lions Pavilion Area
 - c) Ninth Street Boat Launch
 - d) North Beach Access Parking Lot
 - 2. Beaches. 9:00 am to 11:00 pm
 - 3. Rotary Park. 9:00 am to 9:00 pm
 - 4. First Street Beach Ball Diamonds and Lighthouse Park Area. 9:00 am to 9:00 pm.
 - 5. Neighborhood Parks. 9:00 am to 9:00 pm.
 - a) Duffy Park
 - b) Hamlin Field Parking Lot
 - c) Mack Park (Golden Acres Park)
 - d) Man Made Lake
 - e) Morton Park
 - f) Red Szymarek Park
 - g) Reitz Park – except during those times when the Manistee Saints baseball team is playing a game
 - h) Sands Park
- E. DDA District – Locations and hours established by the DDA pursuant to Chapter 862
- F. City Public Properties (Requires Proof of Insurance), when not otherwise in conflict with this Chapter or other City Ordinance.
- G. The hours of operation may be amended for special events as approved by City Council.

863.04 MISCELLANEOUS RULES

- A. Fifth Avenue Beach. Cannot be located within 700 feet of the Fifth Avenue Beach Concession Stand.
- B. Douglas Recreation Area/First Street Beach. Cannot be located within 700 feet of the First Street Beach Concession Stand
- C. Vendor shall provide appropriate waste receptacles at the site of the Food Vending Unit and remove all litter, debris and other waste attributable to the Vendor on a daily basis. Waste shall not be disposed of in city receptacles.
- D. If operating on city-owned or city property, may only locate on such property as authorized by the City.

- E. If parked on public streets, Vendors shall conform to all applicable parking restrictions. When parked on a public street, Vendors shall not operate within thirty (30) feet of any intersection or driveway.
- F. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event except with the authorization of the event sponsor.
- G. 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.
- H. Not use loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazards as determined by the City and shall comply with the City’s Noise Ordinance, being Chapter 662.
- I. Permit one portable “A Frame” sign not to exceed 8 sq. ft. which must be located within five (5) feet of the unit and when on private property shall be placed four (4) feet from the public right of way and shall not be placed to impede pedestrian/vehicle safety. Signage shall comply with Article 21 Signs of the City of Manistee Zoning Ordinance. Within the DDA District the DDA Director shall approve location of the sign.
- J. Comply with all applicable federal, state and county regulations and City Ordinances.
- K. Food Vending Units shall not be left unattended for more than two (2) hours and shall be removed after hours of operation.
- L. Vendor must have written authorization of the power customer to utilize electricity or power. No power cable or similar device shall be extended at or across any city street, alley or sidewalk, except when authorized by the City.
- M. All grey water/untreated waste shall be disposed of in accordance with federal, state and local regulations. Under no circumstances shall untreated waste be deposited into City sewer or storm drains.
- N. Food Vending Units operating within the City rights of way shall comply at all times with all state and local traffic ordinances.
- O. When operating on private property customers will be served on the private property.

863.05 PERMITS

Permits for Food Vending shall be issued by the City Clerk. The permit shall include:

- A. Inspection and approval from the City of Manistee Fire Department and City of Manistee Police Department.

- B. Approval of the Food Unit from the Manistee County Health Department or other governmental agency, when required.
- C. There shall be a fee for the permit as established from time to time by City Council.
- D. Permits are issued for a calendar year (January 1 – December 31) and require renewal. All permits must be prominently displayed on the Food Vending Unit.
- E. Permits are not transferable.
- F. Violation of any provision of this Chapter may result in revocation of the Permit at the discretion of the City Clerk.

863.06 PENALTY

Whoever violates any provisions of this Chapter is responsible for a civil infraction in accordance with Section 202.99, and subject to fines and penalties as provided therein, including the ability of the City of Manistee to seek equitable remedies available in addition to all other sanctions provided in Section 202.99.

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