



**City of Allegan  
Planning Commission  
Griswold Auditorium – 401 Hubbard Street, Allegan MI 49010  
Monday, July 15, 2019  
6:00PM**

**AGENDA**

- 1. Call to Order**
- 2. Attendance**
- 3. Approval of the Minutes of the Previous Meeting**
- 4. Public Comment**
- 5. Public Hearings**
  - 5A.1 – Marihuana Ordinance**
- 6. Site Plan Reviews**
- 7. Special Presentations**
- 8. Discussion**
  - 8A.1 – New Marihuana License Types Discussion**
  - 8A.2 – Food Truck Ordinance Discussion**
- 9. Staff/Commission Comments**
- 10. Adjournment**



**City of Allegan  
Planning Commission Meeting  
Monday, June 17, 2019  
Griswold Auditorium  
401 Hubbard Street Allegan MI 49010**

**MINUTES**

1) Call to Order

The meeting was called to order at 6:01 pm.

2) Attendance

Present: Chair Brad Burke, Rachel McKenzie, Charles Tripp, Peter Hanse, Julie Emmons, Tanya Westover and Jason Watts

Absent: Tom Morton, Nancy Ingalsbee

Others Present: Jordan Meagher, Community Development Coordinator, Lori Castello of PCI, Joe Dye, City Manager, and Nick Curcio, City Attorney

3) Approval of Previous Meeting Minutes

Motion by Jason Watts, supported by Rachel McKenzie, to approve the minutes from the May 20, 2019 meeting. Motion passed 7-0.

4) Public Comment

No public comments were heard concerning items not on the agenda.

5) Public Hearings

None

6) Site Plan Reviews

7) Special Presentation

## 8) Discussion

### 8.1 Marihuana Establishments Buffer Discussion

At the previous meeting, staff had been directed to present the Planning Commission with a series of maps that illustrated different buffer distances that could be placed between Allegan schools/parks and marihuana facilities.

After some discussion, the Planning Commission agreed upon the following points:

- A 500 foot buffer must be established between Allegan schools and marihuana provisioning centers, retailers, and microbusinesses
- No buffers for marihuana growers, processors, secure transporters, or safety compliance facilities
- No buffers between city parks and marihuana facilities
- Marihuana Microbusinesses are to be included in the M-1 zoning district
- A special use permit must be obtained before the establishment of a marihuana facility within the Allegan city limits.
- Marihuana facilities must obtain pre-qualified licensing from the State of Michigan prior to operation.
- City will charge an annual fee for operating a marihuana facility within the city limit.

Staff recommended that the Planning Commission hold a public hearing at their July meeting to hold a first reading of the update marihuana ordinance. It was also recommended that the Planning Commission and City Council hold a joint session at City Council's July 8<sup>th</sup> meeting during their regularly scheduled pre-session to discuss the ordinance prior to first readings by both entities. The Planning Commission agreed to both hold a joint session on July 8<sup>th</sup> at 6:00pm with City Council and schedule a public hearing for the marihuana ordinance to be heard on July 15<sup>th</sup> at their regularly scheduled planning commission meeting at 6:00pm.

## 9) Staff/Commission Comments

## 10) Adjournment

Meeting was adjourned at 7:14 p.m.

**Respectfully submitted by**  
**Jordan Meagher, Community Development Coordinator**

## MEMORANDUM

TO: City of Allegan Planning Commission  
FROM: Jordan Meagher, Community Development Coordinator  
RE: Public Hearing for Proposed City of Allegan Marihuana Ordinance  
DATE: July 12, 2019

### Summary

It is recommended that the Allegan Planning Commission hold a Public Hearing to discuss the proposed City of Allegan Marihuana Ordinance.

At their June, 2019 meeting, the Allegan Planning Commission had reached a general consensus to schedule a public hearing for July 15, 2019 for discussing the proposed City of Allegan Marihuana Ordinance.

During last Monday's joint pre-session between the Allegan City Council and the Allegan Planning Commission, Staff introduced a new set of marihuana licensing types that were released by the State of Michigan at the beginning of July. After receiving a presentation from Nick Curcio, the City's Attorney, on the different licensing types, the Allegan Planning Commission reached a general consensus that they would like more time to discuss the new licensing types before making an official recommendation to City Council.

Although the Planning Commission had reached general consensus to postpone any official action until the new license types are discussed, a public hearing must still take place regarding the proposed ordinance. This will give the Planning Commission another opportunity to engage the public and hear their thoughts on the proposed ordinance.

Attached is the most up-to-date draft of the proposed marihuana ordinance.

### Recommend

It is recommended that the Allegan Planning Commission hold a Public Hearing to discuss the proposed City of Allegan Marihuana Ordinance.

**CITY OF ALLEGAN  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 31 OF THE ALLEGAN CITY  
CODE TO ALLOW MARIJUANA BUSINESSES OPERATED IN  
ACCORDANCE WITH STATE LAW AND THE CITY'S ZONING  
ORDINANCE**

The City of Allegan ordains:

Section 1. Amendment. Chapter 31 of the Allegan City Code of Ordinances is hereby amended to read as follows:

**Chapter 31  
Marijuana Businesses**

**Sec. 31-1. Definitions.**

The following words and phrases have the meanings ascribed to them when used in this chapter:

- (a) *Co-located business* means a marijuana business with 2 or more types of state operating licenses operating within a single location.
- (b) *Grower* means a person licensed as a grower under either the MMMFLA, the MRTMA, or both.
- (c) *LARA* means the department of licensing and regulatory affairs and any successor agency to the department.
- (d) *Location-specific step* means the portion of the application for a state operating license under the MMMFLA and the MRTMA that follows the prequalification step and pertains to the details of the proposed location.
- (e) *Marijuana* means, depending on the context, the same thing as “marihuana” as defined in the MMMFLA, the MRTMA, or both.
- (f) *Marijuana business* or *business* is a business involving one or more licenses issued under the MMMFLA, the MRTMA, or both.
- (g) *Microbusiness* means a person licensed under the MRTMA to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
- (h) *MMMA* means the Michigan medical marihuana act, 2008 IL 1, as amended MCL 333.26424 *et seq.*
- (i) *MMMFLA* means the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (j) *MRTMA* means the Michigan regulation and taxation of marihuana act, 2018 IL 1, as amended MCL 333.27951 *et seq.*

- (k) *Prequalification step* means the portion of the application for a state operating license under the MMMFLA or MRTMA pertaining to the applicant's financial background and the criminal history of the applicant and other associated persons.
- (l) *Processor* means a person licensed as a processor under either the MMMFLA, the MRTMA, or both.
- (m) *Provisioning center* means a person licensed under the MMMFLA that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through LARA's marijuana registration process in accordance with the MMMA is not a provisioning center for purposes of this section.
- (n) *Retailer* means a person licensed under the MRTMA to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.
- (o) *Safety compliance business* means a person licensed as a safety compliance facility under the MMMFLA, the MRTMA, or both.
- (p) *Secure transporter* means a person licensed as a secured transporter under the MMMFLA, the MRTMA, or both.
- (q) *Stacked grower licenses* means two or more grower licenses issued to a single person to *under the MMMFLA or MRTMA*.
- (r) *State operating license or license* means a license that is issued under the MMMFLA or MRTMA to operate as a grower, processor, secure transporter, provisioning center, retailer, safety compliance facility, or microbusiness.

### **Sec. 31-2. Authorization Required.**

- (a) The following marijuana businesses may be authorized to operate in the City of Allegan pursuant to this chapter: growers, microbusinesses, processors, provisioning centers, retailers, safety compliance facilities, and secure transporters.
- (b) No marijuana business may operate in the City of Allegan without a final authorization granted by the City Clerk pursuant to Section 31-3. A proposed business is not eligible for a state operating license until the clerk grants final authorization.

### **Sec. 31-3. Application Process.**

- (a) *Submission.* A person may apply for authorization to operate a marijuana business within the City by submitting the following items to the Clerk. These items may be submitted to the Clerk before applying for requisite zoning approvals:
  - (1) A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for a state operating license.
  - (2) A signed statement from the applicant indicating:
    - (A) The current property owner of record for the proposed business location;
    - (B) If the current property owner is different than the applicant (e.g. where the

applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's. Only one application shall be submitted per property, unless the applications are for proposed co-located businesses;

- (C) The address, tax identification number, and zoning designation of the proposed business location;
  - (D) The type or types of state operating licenses that the applicant is seeking at the proposed business location (*e.g.*, medical grower, adult-use grower, provisioning center, etc.); and
  - (E) If the proposed business involves stacked grower licenses, the number of licenses sought; and
- (3) An advance of the annual administrative fee of \$5,000 per license sought.
- (b) *Conditional authorization.* The Clerk will accept and conditionally authorize any application that includes the required items listed above.
  - (c) *Final authorization.* The Clerk will grant final authorization for the business if the applicant:
    - (1) Obtains all required zoning approvals for the business within 12 months of receiving conditional authorization; and
    - (2) Obtains the requisite state operating license within 18 months of receiving conditional authorization.
  - (d) *Expiration of conditional authorization.* If the applicant for a conditionally authorized business fails to satisfy any of the deadlines established above, the conditional authorization will expire.

#### **Sec. 31-4. Relocation of Businesses, Transfers of Licenses, and Expansion of Grow Operations.**

- (a) An existing business may be moved to a new location in the City, subject to applicable zoning regulations and required approvals by LARA.
- (b) A license for an existing business may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by LARA.
- (c) No further City approvals are required for the relocations and license transfers described in this section.
- (d) A licensee may expand growing operations by upgrading the class of the license (*e.g.*, from class A to class B, or from class B to Class C), or by obtaining a stacked license. To do so, the licensee must submit a new application to the City satisfying the requirements in Section 31-3(a), which shall include payment of any additional annual administrative fee that will be owed due to the addition of stacked licenses. The application shall be conditionally approved upon receipt of all required materials.

#### **Sec. 31-5. General Regulations**

- (a) *Submission of supplementary information to the City.* Applicants who have received conditional authorization and licensees operating in the City must provide the Clerk with copies of all documents submitted to LARA in connection with the license application, subsequent renewal applications, or investigations conducted by LARA. The documents

must be provided to the Clerk within 7 days of submission to LARA, and may be submitted by electronic media unless otherwise requested by the Clerk.

- (b) *Compliance with applicable laws and regulations.* Marijuana businesses must be operated in compliance with the MMMFLA and/or MRTMA, as applicable, all applicable rules promulgated by LARA, all conditions of the business's state operating licenses, and all applicable ordinances and codes, including the City's zoning ordinance. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.
- (c) *No consumption on premises.* No smoking, inhalation, or other consumption of marijuana shall take place on or within the premises of any marijuana business. It shall be a violation of this chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marijuana on or within a premises in violation of this section:
  - (1) The person had control over the premises or the portion of the premises where the marijuana was consumed;
  - (2) The person knew or reasonably should have known that the marijuana was consumed; and
  - (3) The person failed to take corrective action.
- (d) *Annual fee.* A licensee must pay a fee of \$5,000, for each license used within the City in order to help defray administrative and enforcement costs. The holder of a stacked grower license must pay a separate fee in the amount of \$5,000 for each license. The initial annual fee(s) must be paid to the Clerk when the application for approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license.

**Sec. 31-6. Violations and penalties.**

- (a) *Request for revocation of state operating license.* If at any time an authorized business violates this chapter or any other applicable ordinance, the City may request that LARA revoke or refrain from renewing the business's state operating license.
- (b) *Civil infraction.* It is unlawful to disobey, neglect, or refuse to comply with any provision of this chapter. A violation of this chapter is a municipal civil infraction and a nuisance per se. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to a fine of up to \$500.
- (c) *Other remedies.* The foregoing sanctions are in addition to the City's right to seek other appropriate and proper remedies, including actions in law or equity.

Section 2. Publication and Effective Date. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.



YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_ adopted at a regular meeting of the Allegan City Council held on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Rachel McKenzie, Mayor

\_\_\_\_\_  
Danielle Bird, Clerk

DRAFT

## MEMORANDUM

TO: City of Allegan Planning Commission  
FROM: Jordan Meagher, Community Development Coordinator  
RE: Discussion of New State of Michigan Marihuana Licensing Types  
DATE: July 12, 2019

### Summary

It is recommended that the Allegan Planning Commission discuss the new set of Michigan marihuana licensing types to determine which of these licensing types could potentially be included in the City's proposed marihuana ordinance.

Last week, the State of Michigan's Department of Licensing and Regulatory Affairs (LARA) introduced a set of new marihuana licensing types to be included in addition to the already existent license types allowed under the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The additional licensing types include the following:

- **Marijuana Event Organizer** – allows the license holder to apply for Temporary Marijuana Event licenses from the MRA.
- **Temporary Marijuana Event** – this license allows a Marijuana Event Organizer to run an event – which has been approved by the local municipality – where the onsite sale or consumption of marijuana products, or both, are authorized at a specific location for a limited time. Licensed Retailers and Microbusinesses may participate. The Marijuana Event Organizer is required to hire security and ensure that all rules and requirements for onsite consumption of marijuana products are followed.
- **Designated Consumption Establishment** – allows the license holder, with local approval, to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marijuana and marijuana products on premises. A Designated Consumption Establishment license does not allow for sales or distribution of marijuana or marijuana product, unless the license holder also possesses a Retailer or Microbusiness license.
- **Excess Marijuana Grower** – allows a licensee who already holds five adult-use Class C Grower licenses to expand their allowable marijuana plant count.

For more in depth information on the recently introduced licensing types, please see the following attachment, which includes the official media release from LARA on the new set of emergency rules.

### Recommend

It is recommended that the Allegan Planning Commission discuss the new set of Michigan marihuana licensing types to determine which of these licensing types could potentially be included in the City's proposed marihuana ordinance.

# Michigan's Marijuana Regulatory Agency Releases Emergency Rules

Media Contact: LARA Communications 517-335-LARA (5272)

Email: [mediainfo@michigan.gov](mailto:mediainfo@michigan.gov)

**July 3, 2019** – The Marijuana Regulatory Agency (MRA) has issued [emergency administrative rules](#) for the purpose of implementing the Michigan Regulation and Taxation of Marijuana Act (MRTMA). Signed by Gov. Gretchen Whitmer, the emergency rules enable the MRA to fully implement the marijuana proposal that Michigan voters approved in 2018.

“The release of the rules today provides local municipalities and prospective licensees with the information they need to decide how they want to participate in this new industry,” said MRA Executive Director Andrew Brisbo. “Since we plan to start taking business applications November 1<sup>st</sup>, stakeholders will have four months to evaluate these rules and make their decisions. These rules set Michigan’s marijuana industry on a path for success while ensuring safety for marijuana consumers.”

Designed to allow prospective licensees to operate under clear requirements, the emergency rules are effective today and will remain in effect for six months. The emergency rules may be extended once for not more than six months. The rules ensure a fair and efficient regulatory structure for Michigan businesses as well as access to safety-tested marijuana for Michigan’s citizens and visitors.

## NEW LICENSE TYPES

In addition to the license types required in MRTMA, these emergency rules create the following additional license types:

- **Marijuana Event Organizer** – allows the license holder to apply for Temporary Marijuana Event licenses from the MRA.
- **Temporary Marijuana Event** – this license allows a Marijuana Event Organizer to run an event – which has been approved by the local municipality – where the onsite sale or consumption of marijuana products, or both, are authorized at a specific location for a limited time. Licensed Retailers and Microbusinesses may participate. The Marijuana Event Organizer is required to hire security and ensure that all rules and requirements for onsite consumption of marijuana products are followed.
- **Designated Consumption Establishment** – allows the license holder, with local approval, to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marijuana and marijuana products on premises. A Designated Consumption Establishment

license does not allow for sales or distribution of marijuana or marijuana product, unless the license holder also possesses a Retailer or Microbusiness license.

- **Excess Marijuana Grower** – allows a licensee who already holds five adult-use Class C Grower licenses to expand their allowable marijuana plant count.

## EQUIVALENT LICENSES

The Medical Marijuana Facilities Licensing Act (MMFLA) provides the structure for medical marijuana facilities. The Michigan Regulation and Taxation of Marijuana Act (MRTMA) provides the structure for adult-use (“recreational”) marijuana establishments.

The Emergency Rules define Equivalent Licenses between the MMFLA (medical) and MRTMA (adult-use) as follows:

Equivalent Licenses					
<b>MMFLA (medical)</b>	Any Class Grower (A, B, C)	Processor	Provisioning Center	Secure Transporter	Safety Compliance Facility
<b>MRTMA (adult-use)</b>	Any Class Grower (A, B, C)	Processor	Retailer	Secure Transporter	Safety Compliance Facility

Equivalent Licenses with common ownership will be allowed to operate at the same location, without separation, if the operation is not in violation of any local ordinances, regulations, or limits. Separate entrances, exits, point of sale areas, and operations will not be required.

Adult-use Retailer and medical Provisioning Center licensees who are operating equivalent licenses at the same location must physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marijuana products from adult-use marijuana products. Products subject to the adult-use excise tax may not be bundled in a single transaction with a product or service that is not subject to the excise tax.

To ensure marijuana product is available for individuals 21 years of age or older, the MRA may authorize Grower, Processor, and Retailer equivalent licenses to transfer marijuana product from their medical marijuana inventory to their adult-use inventory. The MRA will publish a specific start date, end date, and other requirements for the transfer of marijuana product between equivalent licenses.

## SIMILARITIES/DIFFERENCES BETWEEN ADULT-USE RULES AND MEDICAL RULES

The adult-use marijuana Emergency Rules share a large overlap with the medical marijuana Administrative Rules but also contain some significant differences. In the

overlap between adult-use and medical, there are similar rules with important distinctions. These distinctions include:

- There are no capitalization requirements for adult-use licenses and fewer financial documents are requested from applicants.
- Adult-use home delivery includes Designated Consumption Establishments and any residence. Medical home delivery is to registered marijuana cardholders only.
- Adult-use license renewal fees are divided into three tiers in which larger volume licensees will pay more on renewal and smaller volume licensees will pay less.
- Growers and Microbusinesses may accept the transfer of marijuana seeds, tissue cultures, and clones from another Grower licensed under the adult-use law or the medical marijuana law.
- Class A Growers and Microbusinesses may accept the transfer of marijuana plants one time from (a) registered primary caregiver(s) so long as the caregiver(s) was an applicant for that license.
- Current medical marijuana licensees who apply for adult-use licenses will be expedited through the application process if there are no changes in ownership.
- All adult-use applicants are required to submit a social equity plan. The social equity plan must detail a strategy to promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and to positively impact those communities.
- Adult-use Safety Compliance Facilities are required to hire a laboratory manager.

## **ADULT-USE LICENSING TWO-STEP APPLICATION PROCESS**

The application process for adult-use marijuana establishment licenses will continue to follow the two-step process that the MRA has been using for the processing of medical marijuana facility operator licenses. The two-step process will allow applicants to begin the application process while still seeking a location for the adult-use marijuana establishment, if they choose to do so.

The first step, pre-qualification, allows applicants to determine if they have state approval before they invest in property, buildings, or equipment. Some municipalities may require this approval before local support is given.

The second step, license application, will allow applicants to indicate which type of adult-use marijuana establishment license is being sought and must include plans for a marijuana establishment located in a municipality that does not have an ordinance in place which would preclude the business.

Since the adult-use marijuana law requires the MRA to make a licensing decision within 90 days of receiving a complete application, applicants are encouraged to utilize the two-step process to help avoid a default denial occurring at the 90-day mark.

Applicants will have the option of submitting step one and step two materials at the same time and may submit an online or a paper form application to the MRA; both the paper and online application will require the same documentation and information.

## **OTHER HIGHLIGHTS**

- Growers and Processors may engage in research and development.
- Growers, Processors, Retailers, and Microbusinesses may offer tested internal product samples for their employees to consume, off-site, to ensure the quality and/or potency of the products.
- Growers and Processors may provide trade samples of marijuana and marijuana products to other Processors or Retailers to help determine whether they want to purchase the product.
- A licensee – who holds two or more Processor licenses or two or more Retailer licenses – with common ownership at different establishments may transfer marijuana product inventory between the Processor or Retailer establishments.
- Microbusinesses may not operate at multiple locations and must operate the corresponding areas of their Microbusiness in compliance with the operation requirements of a Retailer, a Grower, and a Processor.
- The MRA's Social Equity Plan will (1) promote and encourage participation in the marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition and enforcement and (2) positively impact those communities.
- A Retailer is not required to retain information from customers other than the following: method and amount of payment, date/time of sale, product quantity, and other product descriptors.

## MEMORANDUM

TO: City of Allegan Planning Commission  
FROM: Jordan Meagher, Community Development Coordinator  
RE: Proposed Food Truck Ordinance Discussion  
DATE: July 12, 2019

### Summary

It is recommended that the Allegan Planning Commission discuss the proposed food truck ordinance, and if accepted, recommend that City Council schedule a public hearing at their next meeting on July 22, 2019.

In 2017, Dulac's River Dogs, an Allegan based food truck, had approached the City with interest in operating their food stand in Downtown Allegan. After asking where and when they could park and operate their truck, City Staff found that there currently is no ordinance that would allow this type of business to operate within any public right of way. Since staff believes that Dulac's River Dogs have helped diversify the City's food options while also generating more foot traffic Downtown, staff has allowed the business to operate without official permittance under any City ordinance.

To help open up the possibility for other food trucks to service Downtown Allegan, staff has researched how other nearby communities have regulated food truck businesses, and have put together a proposed food truck ordinance based on these findings. Under the proposed ordinance, food trucks would now be able to operate within specific public right-of-ways in C-1 and C-2 zoning districts under a specific set of regulations that would be monitored by city staff.

Please see the attached proposed food truck ordinance for discussion at Monday's Planning Commission meeting.

### Recommend

It is recommended that the Allegan Planning Commission discuss the proposed food truck ordinance, and if accepted, recommend that City Council schedule a public hearing at their next meeting on July 22, 2019.

# City of Allegan

## Mobile Food Vehicle Vendor Ordinance

### **Intent.**

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

### **Definitions.**

*Mobile Food Vehicle.* A vehicle which, upon issuance of a permit by the City Clerk and conformance with the regulations established by the ordinance, may temporarily park upon a public street or public park and engage in the service, sale, or distribution of ready-to-eat food for individual portion service to the general public directly from the vehicle.

*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, which may include 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.

*Vendor.* The registered owner of a mobile food vehicle or the owner's agent or employee.

*Operate.* 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.

### **Scope.**

The provisions of this article apply to mobile food vehicles engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private restricted spaces. This article does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks.

### **Permit Required.**

No vendor shall engage in Mobile Food Vending without an annual permit authorizing such vending. The annual permit issued under this ordinance shall not be transferable from person to person. The annual permit shall not be transferred between vehicles. The annual permit shall expire on December 31<sup>st</sup> of each year. This permit is not required for City-sponsored events and festivals.

### **Application for Permit.**

Every vendor desiring to engage in mobile food vending shall make a written application, supplied by the City, for a permit. The applicant shall truthfully state, in full, all information requested and be accompanied by a non-refundable fee of \$100.00. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City. Application information required shall include the following:

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



2. Information on the mobile food vehicle, including the year, make and model of the vehicle and dimensions, which shall not exceed 24 feet in length or 10 feet in width.
3. A general description of the food products offered for sale.
4. Information setting forth the proposed hours of operation, and area of operation.
5. Copies of all necessary licenses or permits issued by the Allegan County Health Department and/or the State of Michigan.
6. Proof of insurance coverage.
7. A signed statement that the licensee shall indemnify and hold harmless the Village, its officers, and employees for any claims, damages, or injuries to persons or property, which arise out of any activity by the licensee, its employees, or agents carried on under the terms of the license.

### **Regulations.**

- A) No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the license holder has not been authorized to operate.
- B) The customer service area for mobile food vehicles shall be on 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 prepared, sold, or displayed outside of mobile food vehicles.
- C) Customers shall be provided with a waste and recycling containers 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 streets is allowed.
- D) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City Noise Ordinance, including generators.
- E) Signage is permitted on mobile food vehicles. One (1) separate freestanding sign is allowed within 2 ft. of the mobile food vehicle, not to exceed dimensions of 50" by 30".
- F) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle.
- G) A mobile food vendor may only operate between the hours of 7:00 am and 2:00 am.
- H) A vendor shall not operate a mobile food vehicle within 1000 ft. of any fair, festival, special event or civic event boundary that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.
- I) The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.
- J) Power required for the mobile food vehicle shall be self-contained. If mobile food vehicle requires use of utilities drawn from public right-of-way, a temporary hook-up may be granted with the

payment of a flat rate as established by City Council through a resolution. No power cable or equipment shall be extended across any City sidewalk or road, without being secured so as to not create a danger or impedance to the public.

- K) No part of the mobile food vehicle shall extend into the travel lane when parked.
- L) No flashing or blinking lights, or strobe lights, are allowed on mobile food vehicles or related signage at any time. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- M) Awnings for mobile food vehicles shall have a minimum clearance of seven (7) feet between the ground level and the lowest point of the awning. Seating, tables, waste disposal or cleaning apparatus of the vendor shall be located within 20 feet of the mobile food vehicle and shall not constitute a danger or impedance to the public.

#### **Locations Permitted.**

- A) Mobile Food Vendors are permitted to operate on city streets in areas with zoning classifications of C1 and C2.
- B) There are two spots located on the downtown Riverfront Park area available to Mobile Food Vendors. One spot is designed for larger mobile food vehicles, while the other spot is designed for smaller mobile food vehicles. A map depicting these locations shall be provided by the City of Allegan with the application for permit. Only one vendor at a time is permitted to park in either designated area. These spots are filled on first come, first serve basis.
  - a. For smaller mobile food vehicles, there is a 13'(l) by 10'(w) designated area located on the concrete plaza east of the landscape circle and north of the eastern most picnic table, at the west of the turning circle. This spot is reserved only for mobile food vehicles that are trailers or carts.
  - b. For larger mobile food vehicles, there is a 24'(l) by 13' (w) designated area located on the brick pavers just south of the sculpture and north of the picnic tables, at the east end of the turning circle.
- C) Mobile Food Vendors may operate on private property that is in an area with a commercial zoning classification. Permission from owner of private property is required.

#### **Appeals.**

If a permit is denied or revoked, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination. If the City Manager denial or revocation is supported, the applicant may appeal the City Manager's decision to City Council.

#### **Enforcement.**

Any license holder operated a mobile food vehicle in violation of any provision of this ordinance may be subject to revocation of their permit. Permits may also be revoked if the vendor makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.



City of Allegan  
**Mobile Food Vehicle Vendor Application**

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**Applicant Information**

**Business Name** \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Business Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_

Email Address \_\_\_\_\_

**Vehicle Information**

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

Length \_\_\_\_\_ Width \_\_\_\_\_ (Note: Max. Size Allowed is 24'(l) x 10'(w))

**General Business Description**

Please provide a general description of the food products to be offered. If available, please include a menu with this application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list the streets or areas of the city in which you plan to operate. (For general information.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate the days and times you expect to be operating. (For general information.)

MONDAY	_____
TUESDAY	_____
WEDNESDAY	_____
THURSDAY	_____
FRIDAY	_____
SATURDAY	_____
SUNDAY	_____

## Additional Documents Required

In order for this application to be complete, you must also submit the following documents:

- \_\_\_\_\_ Copies of all necessary licenses and permits issued by the Allegan County Health Department.
- \_\_\_\_\_ Proof of Liability Insurance Coverage and Automobile Insurance, listing the City of Allegan as additional insured, as established by City Council Resolution.
- \_\_\_\_\_ Proof of Vehicle Registration
- \_\_\_\_\_ Non-refundable fee of \$100.00

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I understand that the operation of Mobile Food Vehicles is regulated by INSERT CODE NUMBER HERE of the City of Allegan Code of Ordinances, and violations of these ordinances or any rules and regulations promulgated by the City for the operation of Mobile Food Vehicles shall be subject to permit revocation.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

