

# Portable Food Vending Committee Report and Recommendation

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In response to a request to permit operation of a food truck in connection with the Farmer's Market, Council appointed a committee to study the question of appropriate regulation of food trucks and the practices and experiences of other communities.

As outlined in the attached report (and recommendation) the committee has studied the issue and met several times. As additional background information, the committee has included the following background materials for your review:

- Boyne City Merchant and Vendor Licenses – Draft of proposed new regulations
- Raleigh N.C. Ordinance regarding food trucks
- National League of Cities report on mobile food vending
- Traverse City (Chapter 865) regulations on mobile food vending
- Harbor Springs – current regulations on vendors and concessions
- Zoning Practices article on food trucks

Members of the committee are expected to attend the meeting to help with the discussion of their report and recommendation.

## Portable Vendor Committee Report to Harbor Springs City Council

June 2<sup>nd</sup>, 2014

### Executive Summary

#### Committee Recommendations

- Launch a survey in June to gauge public sentiment regarding portable vendors.
- Encourage dialogue and the building of relationships among concerned stakeholders.
- Implement pilot programs to determine how portable vendors may be integrated into the Harbor Springs area
  - Implement a 6-month pilot project for portable vendors from June 2<sup>nd</sup>- December 2<sup>nd</sup>. Portable vendors would be required to provide specific and detailed requests for approval for a temporary permit (as variance to existing city code) to operate at pre-approved community events with support from event organizers/sponsors. If approved by City Council, the vendor will work with the City Manager on logistical details, safety practices, and compliance.
  - Launch a post-pilot project opinion survey to measure success

### City of Harbor Springs Portable Vendor Committee History and Purpose

A proposal from Etta's Kitchen was discussed at the March 3<sup>rd</sup> City Council meeting. HARBOR, Inc. offered to head up a committee to research how other communities are addressing food trucks and portable vendors. The committee will report back to City Council with their research and recommendations, as appropriate.

Committee Members: Tom Richards, Rachel Smolinski, Matt Bugera, Brian Ewbank, and Daniel DeWindt

Additional input provided by: Jody Ewbank, Cyndi Kramer, Fred Hackl, and Mary Ellen Hughes

### Committee Activities

- Committee members Richards, Smolinski, B. Ewbank, Bugera, and DeWindt attended an Emmet County Planner's Forum meeting in Walloon Village where food trucks were on the agenda for discussion. The communities of Petoskey, Boyne City, Harbor Springs, and Charlevoix were represented along with several other regional planning staff.
- The committee also met with others (listed above) on May 2<sup>nd</sup> to discuss findings from other communities and next steps. Smolinski shared notes from the Emmet County Planner's forum and the committee discussed next steps. Tom Richards shared the city code related to portable vendors for review by the committee.

### Community Perspectives

- Petoskey: (via email to Smolinski from Amy Tweeten, City Planner)
  - *"Rachel, I wish I had a simple answer. As it involves food for sale that is produced by the vendor, these do not fall within the transient trader regulations. Most questions we have had are about locating on public property, which is regulated by Chapter 18 that*

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Prepared By: Rachel Smolinski, HARBOR Inc.

*does not allow commercial activity in parks or rights-of-way unless included as part of a community event. On private property, a mobile food vendor would fall under either accessory or temporary use. An accessory use would be if there were an existing restaurant on the site that wanted to add a mobile unit. This would be restricted to a location on a lot that had not previously been approved for parking for the principal use. A temporary use can be approved by the Zoning Board of Appeals as a use to exist during a period of construction of the main building or use, or for special events.”*

- Charlevoix (via email to Smolinski from Mike Spencer, City Planner)
  - *“We do not address food trucks specifically in our code but in a nutshell they are not allowed to set up and sell products on city parking spaces, public parking lots or parks. They have to be on private commercial parking lots or they can drive around to businesses, the hospital, county building, etc.”*
  - It appears that they are thinking about food trucks and formulating a draft ordinance.
- City of Raleigh, North Carolina-sample ordinance that the City of Charlevoix and Boyne City are evaluating. (attached)
- Boyne City (via Planner’s Forum and personal conversation between Smolinski and Anne Doyle, Boyne City Assistant Planner): The city has been approached by numerous vendors and has developed some recommendations. The recommendations are in the process of approval through the City Commission (attached). Ordinance could be approved as early as June 24<sup>th</sup>. In general, they will allow:
  - Allow food trucks on a first come-first serve basis on four designated public spots, 2 adjacent and 2 within the Central Business District (CBD)
  - Allow spots for food trucks on private property within the CBD (general commercial districts)
  - A 50 foot setback from property lines of food establishments
  - Restrictions
    1. Time limits: 7:30am-10:30pm with operation from 8am-10pm
    2. No signage outside of food vehicle
    3. Must provide own waste receptacles and take care of debris
    4. No noise or loud advertising
    5. No blinking lights or loud music
  - Modified fee schedule to include mobile food vending-\$840 for public and private, \$420 for private, no fee for operating restaurants
  - Exemptions for non-profit and community (special events)
- Traverse City (online research)-summary provided below and full ordinance for Mobile Food Vending (attached)
  - Any vendor engaging in Mobile Food Vending shall comply with the following requirements:
    1. 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.
    2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If

parked on public streets, vendors shall conform to all applicable parking regulations.

3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
  4. 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.
  5. 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.
  6. Comply with the city’s Noise Ordinance, Sign Ordinance and all other City ordinances.
- Kalkaska (online research)(code for Peddlers attached)
    - Peddlers include food trucks as defined with certain requirements and exceptions.
  - East Jordan-Currently has a Transient Merchant Ordinance which allows vendors in certain areas; On the Parks and Rec December agenda to look at allowing in public parks; Will be reviewed by Planning Commission to consider regulations
  - Old Town Lansing- Allowed per a “gentlemen’s agreement” regarding basic safety and required to be member of Main Street Program; no ordinance/license requirements; vendor fees; no complaints from businesses
  - Douglas, MI- Leases two parking lots to one food truck vendor with a legal lease agreement; fee for each space and electric; restricted hours of operation; city council can choose individually now; looking at developing permanent license agreement; weary because of significant opposition from business owners/restaurant

#### General observations

- Need to define what our community will address- ie. food trucks, mobile vendors, transient merchants, outdoor food service, etc.
- The largest opposition in communities is from “bricks and mortar” food establishments

#### Resources on Mobile Vending and Food Trucks

- Contacts with other communities (available upon request)
- AMERICAN PLANNING ASSOCIATION, ISSUE NUMBER 9 PRACTICE FOOD TRUCKS, ZONING PRACTICE SEPTEMBER 2013 (attached)
- NATIONAL LEAGUE OF CITIES, 2013 REPORT-FOOD ON WHEELS: MOBILE FOOD GOES MAINSTREAM
- Christina Shepard-Decius, the DDA in Ferndale; Food Truck Presentation at the link. <http://prezi.com/cnaxljzg4-gy/food-truck-wars-part-ii-food-truck-ology/>

#### Committee Recommendations

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- Implement pilot programs to determine how portable vendors may be integrated into the Harbor Springs area
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Next Steps

- Provide Committee report to City Council on June 2<sup>nd</sup>
- City Council approves or request modifications to Committee recommendations
- If approved, implement recommendations