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Village of Northport Vendor, Peddler and Solicitor Ordinance #100-

The Village of Northport Ordains:

1.0 Overview

It shall be unlawful for any person/group to vend, peddle, or solicit for the sale of goods, merchandise, wares, charitable contributions/donations, services or any other thing of value from place to place, door to door, or in any public place within the Village of Northport without written approval from the Village of Northport Clerk/Treasurer. Legal business conducted on private property shall conform to all State and Federal laws, County laws, ordinances, zoning, health department, building codes and permits. Special Events held on public property by non-profits require prior permission of the Northport Village Council or Clerk and are in control of the vendors allowed to participate in said event.

1.2 Every vendor desiring to engage in mobile food vending shall complete a written application to the Village Clerk/Treasurer for a license or permit accompanied by annual fee payment.

Application includes the following information:

(1)Name, signature, phone number, email contact, driver's license copy, and address of the applicant.

(2)A list of the food products offered for sale and a description of preparation methods.

(3)A description of and information on the mobile food vending unit including size.

(4)Information setting forth the proposed hours of operation, intended areas of operations as designated by the village clerk/treasurer, plans for electrical access, wastewater disposal, and trash disposal.

(5)Copies of all applicable licenses and/or permits issued by the Benzie-Leelanau Health Department.

(6)Proof of all insurances required by the village including a proof of comprehensive liability with limits of no less than $1,000,000.00 combined single coverage which names the village as additional insured.

1.3 There shall be no proration of fees. Fees are non-refundable. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

1.4 Any vendor engaging in mobile food vending shall comply with the following requirements:

(A) May only operate during hours established by Village of Northport Council resolution.

(B) May only operate on property identified under The Village of Northport Council resolution.

(C) 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.

(D) While operating on village-owned or controlled property, shall not provide or allow any dining area within ten feet of mobile food vending unit, including but not limited to tables and chairs, booths, stools, benches, and stand up counters.

(E) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.

(F) Shall comply with all applicable federal, state and county regulations.

(G)A mobile food vending unit may not be left unattended.

(H)A mobile food vending unit on Village-owned or controlled property shall be removed during the hours stipulated under The Village of Northport Council resolution.

1.5 The Village of Northport shall identify only 4 locations for the exclusive use of Mobile vending unit on public property.

1.6 The license or permit may be voided at any time by written notice to the Village Clerk/Treasurer. By a duly authorized law enforcement officer observing a violation of this chapter, a violation of any federal, state or local regulation, or a situation that is adverse to the protection of the public health, safety, and welfare. A license may also be revoked if it is discovered that an applicant has made a false statement on their application. Immediately upon such revocation, the license shall become null and void.

2.0 Definitions

Vendor, peddler, or solicitor: Any person traveling by foot, wagon, vehicle or any other type of conveyance to vend, peddle, or solicit for the sale of goods, merchandise, wares, charitable contribution donations, services or any other thing of value from place to place, door to door, or in any public place.

Mobile food vending shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit; or vending, serving, or offering for sale food and/or beverages prepared for consumption in a mobile food vending unit; 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 mobile food vending.

Mobile 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 and in which food or drink is prepared for direct consumption through service on the premises or elsewhere.

Vendor shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single mobile food vending unit then vendor shall mean all individuals operating such mobile food vending unit.

Operate shall mean 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.

3.0 Penalty/Municipal/Civil Infractions

Any person violating this Ordinance shall be subject to a fine of $100.00 to $500.00 as applied by the Northport Village Council. All State, County, and Township laws, ordinances, and policies must be obeyed. Fines will be levied on Village or Township taxes in accordance with State Law.

If a written complaint is filed with the Village Clerk/Treasurer alleging a mobile food vendor has violated the provisions of this chapter, the Village Clerk/Treasurer shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Village Clerk/Treasurer or designee, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. A mobile food vending license can be revoked or suspended in compliance with sections 1.6 of this Code.