



Food Truck License Application

George T. Darany, City Clerk

City of Dearborn, 16901 Michigan Ave. Ste. 11, Dearborn, MI 48126

Licensing: (313) 943-2015 Fax: (313) 943-2011

THINGS TO DO BEFORE APPLYING FOR YOUR LICENSE

1. Obtain all necessary licenses and/or permits for mobile food establishments (i.e., food trucks) issued by the Wayne County Health Department, or another county health department in the State of Michigan, if you are selling prepared food.

Go to the Wayne County website for instructions and application.

<https://www.waynecounty.com/departments/hhvs/wellness/food-service-licensing.aspx>

2. Obtain a food service establishment license from the State of Michigan.
3. Obtain General Liability Insurance with the City of Dearborn as a Certificate Holder. (This is not the same as your vehicle insurance.)
4. Make sure you have a Michigan Chauffeur's License (if vendor vehicle is over 10,000 lbs.)
5. Make an appointment with the Motor Carrier Officer for a vehicle inspection at **313 943-2294**.
16099 Michigan Avenue – call regarding business hours
6. Schedule a Fire Code and generator noise inspection appointment at: **313-943-2884** (Dearborn Fire Department) or 248-506-3401 (Western Wayne County Fire Department Mutual Aid Association)
7. Treasury Referral

WHAT TO BRING TO THE CLERK'S OFFICE

- Completed Food Truck application
- Copy of applicant's ID
- Signed acknowledgement of the City of Dearborn's Food Truck ordinance, Article VIIA
- A copy of your County Health Dept/State of Michigan food license
- A copy of the general liability insurance
- A copy of the vehicle registration & vehicle insurance
- A copy of the approved food truck inspection report (Motor Carrier Unit – Police)
- A copy of the approved fire inspection and generator noise report.
- Hold Harmless Form



Application for a Food Truck

George T. Darany, City Clerk
City of Dearborn, 16901 Michigan Ave. Ste. 11, Dearborn, MI 48126
313-943-2010

☐ Existing Business
New Owner

☐ New Business

Date of Application

Name of Owner/Applicant: _____

Street address of Owner: _____

City, State, Zip: _____

Owner's phone number: _____

Email _____

Name of Business to be licensed: _____

Street Address of Business: _____

City, State, Zip: _____

Business phone number: _____

Description of Food Products being sold:

CODE

TYPE OF LICENSE

FEE

87

FOOD TRUCK

\$ 200.00

I HEREBY SWEAR OR AFFIRM THAT ALL STATEMENTS MADE HEREON ARE TRUE & CORRECT.

X

SIGNATURE OF OWNER/APPLICANT

This application does not guarantee access to city-approved locations. See Section 12-255 of ordinance

HOLD HARMLESS/INDEMNIFICATION FORM

I _____, having reviewed the rules, regulations and requirements for a City of Dearborn Food Truck License found in Chapter 12, Article VIIA of the Dearborn Code of Ordinances, does hereby expressly release and agree to defend, indemnify and hold harmless the City of Dearborn, a municipal corporation, and its officers, agents, departments, elected and appointed officials, volunteers, and employees from any and all claims, liabilities, or lawsuits, including legal costs and attorney fees, resulting from any damage to property or injury to persons that may occur as a result of any activity from or in any way related to food truck functions and operations, including but not limited to, the operation of a food truck, the service or offering for sale of food and/or beverages from a food truck, and the purchase and/or consumption of food or beverages from a food truck.

Signature of Applicant

Date

Print Name

Signature of Owner (if different than applicant)

Date

Print Name

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY):
PRODUCER (Company Name & Address)	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Your name or Business name & Address	INSURERS AFFORDING COVERAGE INSURER A: (Insurer Name) INSURER B: INSURER C: INSURER D: INSURER E:	NAIC # (NAIC#)

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INER ADD'L	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Certificate Holder is an additional insured as per contract requirements.

CERTIFICATE HOLDER

CANCELLATION

City of Dearborn
 16901 Michigan Avenue
 Dearborn, MI 48126

fax (313) 943-2011

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Dearborn Police Department Motor Carrier Unit

Commercial Vehicle Inspection Form (DPD # 916)

Motor Carrier Office (313) 943-2294

Company Name:		
Address:		City:
State:	Zip:	Phone:
VEHICLE IDENTIFICATION		
Make:	Model:	Mileage:
VIN:		Plate Number:
Unit Number:	City License Number:	

The above vehicle must be inspected for compliance with the Michigan Motor Vehicle Code (PA 300) and all applicable City Code of Ordinances prior to approval for use in the City of Dearborn. This inspection must be conducted by a mechanic certified by the State of Michigan to perform such inspections. Inspection items include, but are not limited to, the following:
(Check either PASS or FAIL. Initial any approved rechecks in the PASS column)

PASS	FAIL		PASS	FAIL	
		Heaters & Defrosters			Tires
		Horn			Wheels, Rims & Lugs
		Speedometer			Lights & Reflectors
		Wiring			Steering Components
		Parking Brake			Suspension
		Front Brakes			Tail & Stop Lamps
		Rear Brakes			Frame
		Headlights & High Beams			Fuel System
		Windshield			Battery
		Windshield Wipers & Washers			Hoses & Belts
		Front & Rear Turn Signals			Exhaust System

MECHANIC'S INFORMATION

Mechanic's Name: (Printed)	Date of Inspection:
Certification Number:	
Employer Name and Address:	

"I have inspected the above vehicle and items and certify this vehicle to be in compliance with the Michigan Motor Vehicle Code, and I certify all above information is truthful and accurate."

Signed: _____ Date: _____

Meter:	Pass	Fail	Officer Assigned:	Date:
Vehicle:	Pass	Fail		

Property Maintenance & Development Services Guidelines

- Food truck license/permit is required from both the county health dept. and the Dearborn City Clerk. City food truck license expire annually on April 30th .
- NO PARKING on any city lot/property without City Council approval.
- Hours of operation, in designated park locations, shall be 8:00 am – 9:00 pm unless otherwise allowed in writing by the Director of Recreation
- All utilities on the truck/trailer (unit) must be self-contained. Any hook-up to a building will need to submit a diagrammed site plan for review, permit application & inspections for approved use. No power cable shall be extended on or across any city street or sidewalk except in a safe, concealed manner designed to prevent tripping, if reviewed and approved by the building official or their designee
- Placement of open or enclosed canopy seating requires submission of a site plan and application for special event.
- Operator must have a signed agreement between the property owner & business owner stating that the unit can operate at that location, along with the hours of operation.
- Unit must have current registered state license plate and insurance.
- Overnight parking/storage of truck/trailer in the servicing parking area is prohibited. Unit must be moved to a home base address or commissary location.
- Trash collection barrels **MUST** be provided and disposed of daily, and cannot cause rat harborage. All waste originating from the food truck, not customers, shall be collected and disposed of off-site by food truck operator each day. Spills of food or food by-products shall be cleaned up and **NO** dumping of greywater on street or in parks and storm drains
- Food Truck cannot cause a nuisance involving crowd control or traffic/parking control. Cannot constitute a hazard to life or property, interfere with an abutting property owner or obstruct access to emergency vehicles.

- All Food Truck operators shall be subject to the provisions of chapter 13 of the city's code of ordinances regarding nuisances, including but not limited to regulations regarding noise, smoke and noxious odors.
- No unreasonable or excessive noise. (loud music, amplified announcements) Generators must operate at a level of eighty (80) decibels or lower when measured from a distance of fifteen (15) feet.
- All Food Trucks shall direct exhaust away from the service side of the vehicle.
- Must operate in compliance with all provisions of the code of ordinances and zoning ordinance that govern sidewalks and other public place, traffic and motor vehicles.
- Food Truck operators shall be subject to all applicable building, electrical, mechanical and fire safety code requirements, including any permit or inspection requirements deemed necessary by the building official.
- Signage shall be placed on the food truck. Separate free-standing signs are permitted in accordance with the city's existing encroachment regulations and sign ordinance (See Dearborn Code of Ordinances chapter 5, article XII)
- All exterior lights more than sixty (60) watts are subject to the following regulations:
 - Lighting and/or illumination shall not create glare or excessively illuminate the surrounding area
 - Lighting and/or illumination that distracts motorists or creates a traffic hazard for either vehicles or pedestrians is prohibited
 - No flashing, blinking, or strobe lights are allowed when the food truck is parked, in-service, or in motion within the city
 - All exterior lights shall be located and directed downward (below the horizontal) and shall not be directly visible from or aimed at adjacent streets, roads, or properties
- To operate in public parks and park property, a recreation food truck permit is required from the director of the department of recreation or their designee, along with a food truck license from the city of Dearborn, before operating a food truck in designated locations
- Refer to *Article VII - Street Vendors (sec 12-240) & Article VII-A (Sec 12-250 - 12-257)* of the City of Dearborn ordinance codes.

ARTICLE VIIA. FOOD TRUCKS

Sec. 12-250. - Definitions.

Food trucks shall mean a business serving or offering for sale food and/or beverages from a mobile food unit which, for purposes of this article, shall mean a fully enclosed vehicle or trailer that is also licensed by the state as a mobile food service establishment special transitory food unit.

Local Health Department shall mean the health department having jurisdiction in the city where the mobile food service establishment is based.

Mobile food service establishment shall mean a food service establishment operating from a vehicle or trailer which is not fully equipped for full food service and, therefore, must return to a licensed commissary at least once every 24 hours for servicing and maintenance (MCL 289.6135).

Special transitory food unit shall mean a temporary food service establishment licensed to operate without 14-day limits or a mobile food establishment that is not required to return to a commissary (MCL 289.6137).

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-251. - License required; compliance and scope of article.

(a) It shall be unlawful for any food truck to operate in the City of Dearborn without first obtaining a food truck license from the city clerk and pursuant to the provisions of this article.

(b) It shall be unlawful for any person to assist or help any person with the operation of a food truck in the City of Dearborn except as provided by this article.

(c) The provisions of this article shall apply to food trucks operating in the city pursuant to the terms and conditions in this article.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-252. - Application, review, and inspection; reservation of location not guaranteed; application on behalf of food trucks at events.

(a) The application for a food truck license shall be on forms approved by the city clerk and shall include the following information:

(1) Name of the applicant; name of the business; applicant's signature; phone number, email contact, and business address of the applicant.

(2) If the owner of the business is different than the applicant, name of the business owner; owner's signature; phone number, email contact, and business address of the owner.

(3) Information on the food truck, including the year, make and model of the vehicle or unit and its dimensions.

(4) A statement of the status of monies owed to the city including, but not limited to, water bills, real property taxes, personal property taxes, and miscellaneous fees. An applicant with any unpaid fees owed to the city shall not be eligible for a license under this article.

(5) Copies of all necessary licenses or permits issued by the Wayne County Health Department, another county health department in the State of Michigan, and/or the State of Michigan, including but not limited to a copy of the food service establishment license issued by the State of Michigan, Michigan Department of Agriculture and Rural Development, or successor agency.

(6) A signed statement that the licensee shall hold harmless and indemnify the city, their officers, and employees for any claims for damage to property or injury to persons which may occur as a result of any activity carried on under the terms of the license.

(7) Proof of insurance coverage as follows:

a. Proof of commercial general liability policy with limits of no less than \$1,000,000.00 per occurrence with a \$2,000,000.00 general aggregate including products liability issued by an insurer licensed to do business in the State of Michigan.

b. For food trucks operating on city-owned public property, insurance coverage naming the city as an additional insured is required.

c. Proof of liability and property damage motor vehicle policy with limits of no less than \$1,000,000.00 used by an insurer licensed to do business in the State of Michigan.

(b) Payment of the non-refundable fee listed in chapter 12, section 12-6 of the code of ordinances shall be submitted with the application.

(c) In addition to the application requirements under this subsection, each applicant must successfully pass review and

inspection to ensure that they are in compliance with all relevant requirements of the fire prevention code.

(b) Upon the filing of a completed application, the city clerk shall forward a copy of the application to the Dearborn fire department to schedule an inspection of the food truck for (i) compliance with the fire prevention code, (ii) and inspection of the food truck for compliance with generator noise decibel levels, and (iii) an inspection to confirm that exhaust from the food truck is directed away from the service side of the vehicle. All generators must operate at a level of eighty (80) decibels or lower, exclusive of any other noise, when measured from a distance of fifteen (15) feet.

(1) Proof from the Western Wayne County Fire Department Mutual Aid Association that the applicant's food truck complies fire safety, generator noise decibel, and exhaust requirements of this article is sufficient if proof of such compliance is provided to the Dearborn Fire Marshall for verification.

(e) Filing an application for a food truck license shall constitute consent to inspection by the fire department for the purpose of ensuring compliance with the specific regulations of this article. During city business hours or at another mutually agreeable time, the applicant shall allow representatives of the fire department onto the food truck to complete inspection. This section shall be narrowly construed by the city to authorize reasonable inspections of the food truck pursuant to this article.

(f) Application under this section does not guarantee access to city-approved locations for operation of a licensee's food truck. Licensees interested in accessing approved locations must seek and receive approval as indicated in section 12-255 of this article.

(g) A license issued under this article is valid for a food truck and its employees.

(h) A license issued under this article shall not be transferable from one food truck to another.

(i) For events with 2 or more food trucks, the event organizer may apply for a food truck license on behalf of the participating food trucks subject to compliance with all requirements for licensure under this article.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1724, 2-8-22; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-253. - License renewal and expiration.

Food truck licenses must be renewed annually by submitting an application pursuant to the terms and requirements of this article. Licenses issued under this article shall expire annually on April 30. Food trucks that have a valid license on the effective date of the amendments to this section, and whose license is scheduled to expire on December 1, 2024, are hereby granted an extension of their license until April 30, 2025.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-254. - Display of license.

The license issued to a food truck owner/operator by the city clerk shall be displayed in a conspicuous location whenever the food truck is open for business in the City of Dearborn. In addition, food trucks shall be ready to provide visual proof of the city license and all necessary county health department and/or State of Michigan permits and licenses at all times.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-255. - Rules, guidelines, and restrictions; authorized locations and reserving space.

(a) *Rules, guidelines, and restrictions.*

(1) Hours of operation in designated park locations shall be between the hours of 8:00 a.m. and 9:00 p.m., unless otherwise allowed in writing by the Director of Recreation.

(2) Food trucks shall not impede access to the entrance or driveway of any adjacent building.

(3) All trash or debris accumulating within 20 feet of any food truck shall be collected by the operator and deposited in a trash container. All food truck operators must provide trash receptacles adjacent to or as a part of their truck. Operators may also rent trash receptacles from the city at an additional cost. It shall be unlawful for any food truck operator, or anyone aiding or assisting in the operation of a food truck, to throw or deposit any goods, merchandise, packaging, containers, fat, grease, paper, or other liquid waste upon any alley, street or sidewalk, or in any sewer, in the city.

(4) All waste originating from the food truck, and not from customers, shall be collected and disposed of by off-site by the food truck operator each day. Spills of food or food by-products shall be cleaned up and no dumping of greywater on the street or in parks and storm drains is allowed. Food truck operators should take appropriate precautions to prevent spills or other damages to the public property as a result of their operation. Food trucks are responsible for all greywater, grease, and other food waste, which shall NOT be dumped or disposed of on or into public property, including but not limited to drains and public trash receptacles.

(5) No food truck operator shall make or cause any unreasonable or excessive noise. No loud music or amplified announcements or noise are permitted. In addition, all generators must operate at a level of eighty (80) decibels or lower when measured from a distance of fifteen (15) feet. Initial inspection by the fire department shall include generator compliance.

(6) All food trucks shall direct exhaust away from the service side of the vehicle. Initial inspection by the fire department

shall include exhaust compliance.

(7) Except as otherwise stated in this article, food truck operators shall be subject to the provisions of chapter 13 of the city's code of ordinances regarding nuisances, including but not limited to regulations regarding noise, smoke, and noxious odors.

(8) No food truck operator shall conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.

(9) Food truck operators shall operate in compliance with all provisions of the code of ordinances and zoning ordinance that govern sidewalks and other public places, traffic, and motor vehicles.

(10) Food truck operators shall be subject to all applicable building, electrical, mechanical, and fire safety code requirements, including any permit or inspection requirements deemed necessary by the building official.

(11) Signage shall be placed on the food truck. Separate free-standing signs are permitted in accordance with the city's existing encroachment regulations and sign ordinance (See Dearborn Code of Ordinances chapter 5, article XII).

(12) All exterior lights more than sixty (60) watts are subject to the following regulations:

- a. Lighting and/or illumination shall not create glare or excessively illuminate the surrounding area;
- b. Lighting and/or illumination that distracts motorists or creates a traffic hazard for either vehicles or pedestrians is prohibited;
- c. No flashing, blinking, or strobe lights are allowed when the food truck is parked, in-service, or in motion within the city; and
- d. All exterior lights shall be located and directed downward (below the horizontal), and shall not be directly visible from or aimed at adjacent streets, roads, or properties.

(13) Power required for a food truck shall be self-contained and self-provided. However, a food truck may request authorization from the building official to utilize public utilities where available. No power cable shall be extended on or across any city street or sidewalk except in a safe, concealed manner designed to prevent tripping if reviewed and approved by the building official or their designee.

(14) No food truck is allowed within twenty (20) feet of a fire hydrant.

(b) *Authorized locations to operate food trucks in the city; city park food truck permit required.*

(1) *Public parks and park property.* In addition to the licensing requirements under this article, food truck operators must also obtain a recreation food truck permit from the director of the department of recreation, or their designee, before operating a food truck in designated locations as identified below. Applicants must be licensed pursuant to the terms and conditions of this article, and their license must remain in good standing at all times they are in operation.

a. *Application process.*

1. Before applying for a recreation food truck permit to operate at a designated location, applicants must have a valid food truck license.
2. Applicants must file a complete application with the recreation department on forms approved by the director of the department of recreation, or their designee.
3. A fee determined by the director of the department of recreation is due at the time of application. The fee shall be non-refundable except as otherwise stated in this article.
4. Complete applications will be taken on a first-come, first-serve basis.

b. *Rental fee.* A non-refundable administrative rental fee determined by the director of the department of recreation will be charged in addition to the application fee under this subsection. Such fee will be based on the duration that designated locations will be rented, with the following tiers:

1. Daily pass;
2. Weekly pass;
3. Weekend pass;
4. Monthly pass;
5. Season pass (no holidays); and
6. Premium pass (includes holidays and first priority for special events).

c. *Designated locations.* The director of the department of recreation may designate areas at the following locations for the operation of food trucks pursuant to the terms and conditions of this article:

1. Lapeer Park.

2. Hemlock Park.
3. Ford Woods Park.
4. Ford Field Park.
5. Levagood Park.
6. Crowley Park.
7. Ten Eyck Park.
8. Ford Center for the Performing Arts.
9. Other city parks as designated by the recreation director.

d. *Grounds for revocation of designated location.* The recreation director shall issue a written notice to revoke the recreation food truck permit if the food truck license has been revoked by the city clerk.

e. *Appeals for park locations.* Any person denied a location in a designated location under this subsection, section 12-255(b)(1), may appeal same as follows:

1. A person wishing to appeal pursuant to this subsection must first file a written statement of the grounds for appeal and the relief requested with the recreation director. Such appeal shall be filed with the director within 14 days of notice of denial. The appeal shall be decided by the director or their designee without hearing and within 14 days of receiving the appeal, based on review of the written statement, any supporting documents or materials submitted by the appellant, and any other papers, materials, and documents associated with the decision.

2. The decision of the director or designee may be appealed to city council by filing a written statement of the grounds for appeal and the relief requested with the council office. Such appeal shall be filed with the council office within 14 days of notice of denial by the recreation director.

Notice of hearing. Upon receipt of a request for appeal, the city council shall provide the appellant with notice and an opportunity to be heard. The city council shall serve notice upon the licensee by certified mail not less than 14 days prior to the hearing. The notice shall state:

- (i) The date, time and place of the hearing.
- (ii) A statement that the licensee may present evidence and testimony, and may be represented by an attorney.

The city council shall also notify the recreation director of the date and time of the hearing and provide a complete copy of the appellant's written notice. The recreation director, or their designee, shall attend the appeal hearing.

Hearing and decision. The hearing shall be conducted by the city council and shall be open to the public. The city council shall, by resolution, decide the appeal at the public hearing. The city council shall only decide the following:

- (i) Whether to uphold or overturn the decision of the recreation director;
- (ii) If the recreation director's decision is upheld, the council's ruling shall be final;

- (iii) If the recreation director's decision is overturned, the council shall then determine: (i) whether the appellant can have the park location they originally applied for; (ii) if that location is occupied by another food truck, whether another location is available; or (iii) if the appellant does not want another location whether to refund the appellant's application fee for a recreation food truck permit.

(2) *Block parties.* Food trucks may operate at block parties that receive a valid permit under chapter 17 of the code of ordinances, and must comply with all requirements of this article, the code of ordinances, and zoning ordinance.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-256. - Suspension or revocation of license.

Any license issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for the license.
- (2) Fraud or misrepresentation in the course of conducting business.
- (3) Conducting the business contrary to the conditions of the license, this article, or applicable provisions of the city's code of ordinances or zoning ordinance.
- (4) Conducting the business of vending in such manner as to create a public nuisance or constitute a danger to the public health, safety and welfare.
- (5) Conviction of any crime involving moral turpitude while holding a vending license from the city.
- (6) Intervention by the state department of health due to uncorrected health or sanitation violations.

Upon suspension or revocation, the city shall deliver written notice to the license holder stating the action taken and the

reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-257. Appeals.

Persons whose licenses under this article have been suspended or revoked, or whose application for a license has been denied, may appeal by filing a written notice of appeal with the city council.

(Ord. No. 18-1613, 6-12-18; Ord. No. 22-1743, 5-24-22; Ord. No. 23-1805, 1-9-24)

Sec. 12-258. Enforcement.

The provisions of the article shall be enforced by the director of economic development and any deputies, agents, or inspectors designated by him, any officer of the police department, and the city clerk or their designee.

(Ord. No. 23-1805, 1-9-24)

Sec. 12-259. Other permits, licenses, or authorizations.

A license or permit obtained under this article shall not relieve any food truck of the responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, or administrative rule.

(Ord. No. 23-1805, 1-9-24)

Sec. 12-260. Severability.

Should any word, phrase, sentence, paragraph, or section of this article be held invalid or unconstitutional, the remaining provisions of the article shall remain in full force and effect.

(Ord. No. 23-1805, 1-9-24)

Secs. 12-261—12-265. Reserved.

Signature of Applicant

Date

Print Name

Signature of Owner (if different than applicant)

Date

Print Name (if different than applicant)