

S U M M A R Y

This ordinance amends Chapter 34 of the 2019 Detroit City Code, *Peddlers, Solicitors and Vendors, Article I, Foot, Stationary, and Street Vendors, Division 1, Generally*, to add Subdivision A, *In General*, to include Sections 34-1-1- through 34-1-14 and to amend within that subdivision Section 34-1-1, *Definitions*, Section 34-1-5, *Stationary, foot, and street vendors generally, additional rules and guidelines; authorized locations; restrictions*, Section 34-1-6, *Stationary Vending in the Central Business District Vending Area and Cultural Center Vending Area*, Section 34-1-8, *Restrictions on items approved for vending*, Section 34-1-9, *Sales near schools prohibited; distance requirements for vendors near any sport arena or stadium; exception*, Section 34-1-11, *Disposal of solid waste*, Section 34-1-13, *Use of noise-making devices*, Section 34-1-14, *Other provisions*, to add Subdivision B, *Additional Regulation for Mobile Food Establishments and Special Transitory Food Units*, to include Section 34-1-15, *Food protection and storage-refrigeration system required*, Section 34-1-16, *Methods for washing, rinsing, and sanitizing utensils and equipment; cleanliness of personnel*, Section 34-1-17, *Potable water supply; wastewater disposal required*, Section 34-1-18, *Garbage and rubbish disposal*, Section 34-1-19, *Parking and service to customers; signage and seating requirements*, Section 34-1-20, *Power source*, and to amend Division 2, *License*, Section 34-1-21, *Required; approved locations; special licenses and permits*, Section 34-1-22, *Application; information required*, Section 34-1-24, *Vendors of food; permits generally*, Section 34-1-25, *Food vendors; licensing; insurance; operation*, Section 34-1-26, *Health Department approval required*, and Section 34-1-27, *State license a prerequisite to obtaining City license, Services*, to amend regulation for mobile food establishments and provide for regulation of special transitory food units in the City of Detroit.

1 **BY COUNCIL MEMBER** _____ :

2 **AN ORDINANCE TO AMEND** Chapter 34 of the 2019 Detroit City Code, *Peddlers,*
3 *Solicitors and Vendors*, Article I, *Foot, Stationary, and Street Vendors*, Division 1, *Generally*, to
4 add Subdivision A, *In General*, to include Sections 34-1-1- through 34-1-14 and to amend within
5 that subdivision Section 34-1-1, *Definitions*, Section 34-1-5, *Stationary, foot, and street vendors*
6 *generally, additional rules and guidelines; authorized locations; restrictions*, Section 34-1-6,
7 *Stationary Vending in the Central Business District Vending Area and Cultural Center Vending*
8 *Area*, Section 34-1-8, *Restrictions on items approved for vending*, Section 34-1-9, *Sales near*
9 *schools prohibited; distance requirements for vendors near any sport arena or stadium; exception*,
10 Section 34-1-11, *Disposal of solid waste*, Section 34-1-13, *Use of noise-making devices*, Section
11 34-1-14, *Other provisions*, to add Subdivision B, *Additional Regulation for Mobile Food*
12 *Establishments and Special Transitory Food Units*, to include Section 34-1-15, *Food protection*
13 *and storage- refrigeration system required*, Section 34-1-16, *Methods for washing, rinsing, ad*
14 *sanitizing utensils and equipment; cleanliness of personnel*, Section 34-1-17, *Potable water*
15 *supply; wastewater disposal required*, Section 34-1-18, *Garbage and rubbish disposal*, Section
16 34-1-19, *Parking and service to customers; signage and seating requirements*, Section 34-1-20,
17 *Power source*, and to amend Division 2, *License*, Section 34-1-21, *Required; approved locations;*
18 *special licenses and permits*, Section 34-1-22, *Application; information required*, Section 34-1-
19 24, *Vendors of food; permits generally*, Section 34-1-25, *Food vendors; licensing; insurance;*
20 *operation*, Section 34-1-26, *Health Department approval required*, and Section 34-1-27, *State*
21 *license a prerequisite to obtaining City license, Services*, to amend regulation for mobile food
22 establishments and provide for regulation of special transitory food units in the City of Detroit.

1 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

2 **THAT:**

3 **Section 1.** Chapter 34 of the 2019 Detroit City Code, *Peddlers, Solicitors, and Vendors*,

4 be amended by amending Article I, Division 1, to add Subdivision A to include Sections 34-1-1

5 through 34-1-15; to add Subdivision to include Sections 34-1-15 through 34-1-20, and to amend

6 Division 2, Section 34-1-21, 34-1-22, 34-1-24, 34-1-25, to read as follows:

7 **CHAPTER 34. PEDDLERS, SOLICITORS, AND VENDORS**

8 **ARTICLE I. FOOT, STATIONARY, AND STREET VENDORS**

9 **DIVISION 1. GENERALLY**

10 **Subdivision A. In General**

11 **Sec. 34-1-1. Definitions.**

12 For the purpose of this article, the following words and phrases shall have the meanings

13 respectively ascribed to them by this section:

14 *Approved location* means a location that has been approved for stationary vending by the

15 Buildings, Safety Engineering, and Environmental Department in accordance with this article.

16 *Approved removable stand* means structures or tables, not including a food pushcart, that

17 does not exceed four feet in width, eight feet in length, parallel to the curb, and eight feet in height,

18 which has been approved for use by a licensed stationary vendor at an approved location in

19 accordance with this article.

20 *Central Business District Vending Area* means the area bounded by the Fisher Freeway (I-

21 75), the Walter P. Chrysler Freeway (I-375), the north side of Jefferson Avenue from the Walter

22 B. Chrysler Freeway (I-375) to Washington Boulevard, the east side of Washington Boulevard to

23 the north side of Congress Street, the north side of Congress Street to the John C. Lodge Freeway

1 ~~(M-10) service drive, and the east side of the John C. Lodge Freeway (M-10) service drive to the~~
2 ~~Fisher Freeway (I-75) the Detroit River, and the center lines of Brooklyn Avenue (extended), West~~
3 Jefferson Avenue, Eighth Street, West Fort Street, Brooklyn Avenue, Porter Street, John C. Lodge
4 Freeway (M-10), Fisher Freeway (I-75), Third Street, West Grand River, Temple Avenue, Fourth
5 Street, Charlotte Street, Woodward Avenue, Fisher Freeway (I-75), Chrysler Freeway (I-375), East
6 Jefferson Avenue, Rivard Street, Atwater Street, and Riopelle Street extended to the Detroit River.
7 The boundaries of the Central Business District are depicted in Figure 50-16-151 of this Code.

8 *Cooler* means a portable insulated storage device not exceeding 60 quarts capacity
9 constructed of durable materials manufactured for the purpose of keeping commercially-sealed
10 unopened containers or packages of food products, including beverages, cold through the use of
11 ice, dry ice, and/or ice packs.

12 *Cultural Center Vending Area* means the area bounded by the Edsel Ford Freeway (I-94),
13 Brush Street, Forest Avenue, and the John C. Lodge Freeway (M-10).

14 *Food* means, as likewise defined in Section 1107(m) of the Michigan Food Law of 2000,
15 being MCL 289.1107(m), articles used for food or drink for humans or animals, chewing gum, and
16 articles used for components of any such article.

17 *Food Code* means the current version of the FDA Food Code, which is incorporated by
18 reference into the current version of the Michigan Food Law, as adopted by the State of Michigan.

19 *Food pushcart* means a movable cart approved by the Health Department, that returns to a
20 licensed commissary for servicing and maintenance, as required by the Health Department and
21 that is limited to serving frankfurters and non-potentially hazardous food or beverages, coffee, ice
22 cream, and non-potentially hazardous coffee condiments at an approved location.

1 *Food service establishment* means, as likewise defined in Section 1107(f) of the Michigan
2 Food Law of 2000, being MCL 289.1107(f), a fixed or mobile restaurant, food pushcart, coffee
3 shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern,
4 bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization
5 serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, or similar place
6 where food or drink is prepared for direct consumption through service on the premises or
7 elsewhere, and any other eating or drinking establishment or operation where food is served or
8 provided for the public, except as provided by Section 1107(t) of the Michigan Food Law of 2000,
9 being MCL 289.1107(t).

10 *Food Unit Zone* means an area identified by the Department of Public Works and the
11 Municipal Parking Department and approved by resolution of City Council every two years, which
12 is located within the Central Business District and the Cultural Vending Area and has been
13 authorized for the vending of food from mobile food establishments and special transitory food
14 units.

15 *Foot vendor* means any person who sells goods, which such person carries on their person,
16 while walking about at all times on the sidewalks of the City except while making and completing
17 a sale, provided, that foot vendors are prohibited in the Central Business District Vending Area or
18 the Cultural Center Vending Area.

19 *Goods* means any merchandise, publications, wares, or other non-food commodity or
20 product of any description.

21 *Handcrafted* means items created or produced by a craftsperson where the starting
22 materials are significantly altered or enhanced by the craftsperson and the handcrafted components
23 functionally and/or aesthetically dominate any non-handcrafted (commercial) components.

1 *Helper* means:

2 (1)——a person who is licensed under this article to aid and assist a licensed vendor in the
3 sale of food or goods from an approved removable stand, food pushcart or vehicle;

4 or

5 (2)——A person under the age of 18 years who is authorized by a licensed vendor to aid
6 or assist in the operation of an approved vending operation and is registered with
7 the City in accordance with this article.

8 *Ice cream* means a commercially prepackaged single serving frozen dessert labeled and
9 packaged for individual sale.

10 *Light-up or glow plastic accessories* means those goods such as necklaces and bracelets
11 made of plastic that illuminate from an internal light source not powered by batteries or an
12 electrical cord.

13 Michigan Food Law means the current State of Michigan Food Law, as amended, being
14 MCL 289.1101 et seq.

15 *Mobile food establishment* means, as likewise defined in Section 1109(p) of the Michigan
16 Food Law of 2000, being MCL 289.1109(p), a food service establishment that operates from a
17 vehicle, including a watercraft, which returns to a mobile food establishment commissary for
18 servicing and maintenance at least once every 24 hours.

19 *Mobile food establishment commissary* means, as likewise defined in Section 1109(r) of
20 the Michigan Food Law, being MCL 289.1109(r), an operation that is capable of servicing a mobile
21 food establishment.

22 *Moving traffic lane* means a traffic lane where stopping, standing, or parking of motor
23 vehicles is prohibited at the time of the sale.

1 *Person* means an individual, association, corporation, partnership, sole proprietorship, or
2 other legal entity.

3 *Potentially hazardous food* means any food that has to be kept at certain temperatures to
4 minimize the growth of any pathogenic microorganisms that may be present in the food or to
5 prevent the formation of toxins in the food and includes food which consists in whole or in part of
6 milk or dairy products, eggs, except those treated to eliminate Salmonella, meat, poultry, fish, shell
7 fish, edible crustaceans, heat-treated plant food, specifically cooked rice, beans or vegetables,
8 baked potatoes, sliced melons, raw sprouts, tofu and soy-protein foods, untreated garlic and oil
9 mixtures.

10 *Sidewalk* means that portion of any dedicated public right-of-way throughout the City
11 reserved primarily for pedestrian traffic, including adjoining public berms, but does not include
12 walkways located in parks or other publicly-owned properties which are not dedicated public
13 rights-of-way.

14 *Snack foods* means prepared and commercially prepackaged non-potentially hazardous
15 food.

16 *Special transitory food unit* means, as likewise defined in Section 1111(i) of the Michigan
17 Food Law, being MCL 289.1111(i), a temporary food establishment that is licensed to operate
18 throughout the state without the 14-day limits.

19 *Stationary vendor* means any person who sells food or goods from an approved removable
20 stand or a food push cart at an approved location.

21 *Street* means that portion of any dedicated public right-of-way throughout the City reserved
22 for vehicular traffic, including all curbs along such streets.

1 *Street vendor* means any person who sells food or goods from a vehicle on a street within
2 the City, including persons operating as a mobile food establishment, a special transitory food unit
3 or an industrial feeding establishment.

4 *Vehicle* means a self-propelled motor vehicle used by a vendor designed for transit on
5 streets and highways.

6 *Vendor* means:

- 7 (1) Any person, traveling by foot or vehicle from location to location carrying and
8 selling food or goods; or
- 9 (2) Any person, who without traveling by foot or vehicle, exhibits, displays, and sells
10 food or goods from an approved removable stand, or a food pushcart, at an
11 approved location on a City sidewalk.

12 **Sec. 34-1-5. Stationary, foot, and street vendors generally; additional rules and guidelines;**
13 **authorized locations; restrictions.**

14 (a) While conducting business on any street, sidewalk, or public right-of-way in the
15 City, vendors shall operate at all times in such a manner so as not to interfere with pedestrian or
16 vehicular traffic.

17 (b) It shall be unlawful for any vendor to locate a vending operation in such a manner
18 as to interfere with any building display window, entrance, or exit.

19 (c) With the exception of street vendors, it shall be unlawful for any a vendor to engage
20 in the sale of food or goods, or solicit any patronage, within 100 feet of the doorway of any
21 established place of business that sells the same goods, unless the place of business provides a
22 signed waiver of this requirement to the Buildings, Safety Engineering, and Environmental
23 Department Business License Center. It shall be unlawful for a street vendor to engage in the sale

1 of food or goods, or solicit any patronage, within 200 feet of the doorway of any established place
2 of business that sells the same goods, unless the place of business providea a signed waiver of this
3 requirement to the Buildings, Safety Engineering and Environmental Department Business
4 License Center. The ~~100~~ ~~feet~~ distance limitation shall be determined by measuring from either
5 side of a point at the curb opposite the door or entrance on the building.

6 (d) Street vendors, except those licensed as mobile food establishments, special
7 transitory food units, or as industrial feeding establishments, shall keep their vehicles in motion at
8 all times, other than while engaging in sales activities. Similarly, foot vendors shall walk about at
9 all times, other than while displaying goods to a customer or completing a sales transaction.

10 (e) With the exception of a mobile food establishment or a special transitory food unit,
11 no more than three persons shall aid, assist, sell or operate on or in connection with any licensed
12 vendor's approved removable stand or food pushcart, and each person assisting or helping a
13 licensed vendor shall possess a separate helper's license or, where the helper is under the age of 18
14 years, the helper shall be registered with the City. Where authorized by the licensed vendor, a
15 licensed helper may operate at an approved vending location in the absence of the licensed vendor;
16 provided that a helper registered with the City as a person under the age of 18 years shall not
17 operate any vending operation in the absence of the licensed vendor. Vendors and helpers shall be
18 subject to all requirements of this article and any applicable rules of the Buildings, Safety
19 Engineering, and Environmental Department Business License Center and the Health Department.

20 (f) It shall be unlawful for any vendor to throw or deposit any goods, merchandise,
21 packaging, containers, fat, grease, paper or other liquid or solid waste upon any alley, street, or
22 sidewalk or in any sewer in the City.

1 (g) All vendors shall comply with all requirements of state law and this Code, including
2 the provisions of the Detroit Fire Prevention and Protection Code, being Chapter 18, Article I, of
3 this Code. Further, all vendors selling food shall comply with all applicable state law and
4 provisions of this Code, and administrative rules that have been promulgated in accordance with
5 Section 2-111 of the Charter. In addition to the requirements of this article, stationary vendors
6 using food pushcarts shall comply with the following:

7 (1) A food pushcart may not be used in combination with an approved removable stand,
8 or other display item, including, but not limited to, stand, container, or table;
9 (2) Where used to shelter the stand, an umbrella shall be in good repair, supported by
10 a single pole, and be not more than five feet in diameter and eight feet in height;
11 and
12 (3) Not more than one cooler, as defined in section 34-1-1 of this Code, which is
13 separate from the licensed unit and only used for the storage of commercially-
14 sealed unopened containers or packages to be sold, may be used in conjunction with
15 the operation of a food pushcart, except, that a food pushcart vendor may use two
16 separate coolers where the combined total capacity of the two coolers do not exceed
17 60 quarts, provided, that ice in any cooler used by the vendor shall not be used or
18 sold or used for consumption and melting ice and fluids shall be drained from the
19 cooler and disposed of by the vendor in a sanitary manner and not deposited ~~on~~
20 ~~upon any alley, sidewalk, or street, sidewalk or in any sewer in the City.~~

21 (h) While conducting business on any street, sidewalk, or public right-of-way in the
22 City, vendors shall operate in compliance with all provisions of this Code that govern sidewalks
23 and other public places, and traffic and motor vehicles.

1 (i) Vendors shall not engage in vending operations as follows:

2 (1) Stationary and foot vendors between the hours of 11 p.m. and 7:00 a.m.; and

3 (2) Street vendors between the hours of 11 p.m. and 5 a.m., provided that any mobile
4 food establishment or special transitory food unit must cease food service by 11
5 p.m. and have left the vending location by 12 a.m.

6 (j) No approved removable stand or food pushcart, nor any street vendor, shall be
7 within 20 feet of any building entrance way or emergency exit, driveway, corner, sidewalk café,
8 bus stop, pedestrian crosswalk, or fire hydrant. The first 20 foot limitation shall be determined by
9 measuring 20 feet on either side of a point at a curb opposite the door or entrance on the building.

10 (k) Stationary vendors and street vendors shall not engage in any vending business on,
11 or at, any sidewalk unless such sidewalk has a minimum width of at least 12 ten feet measured
12 from the curb line to the boundary of any private property.

13 (l) Vendors shall not place removable stands or food pushcarts upon any sidewalk
14 unless said sidewalk has at least a six foot unobstructed pedestrian path to be measured from the
15 removable stand or food pushcart to the boundary of any private property.

16 (m) Vendors shall not place removable stands or food pushcarts within two feet of the
17 curb line of any sidewalk.

18 (n) In addition to the requirements of this article, stationary vendors using approved
19 removable stands shall comply with the following:

20 (1) Where a table is used by the vendor, the stand shall be draped on all four sides with
21 a skirt in good repair;

22 (2) Merchandise not being displayed for sale shall be stored out of public view;

- (3) Where used to shelter the stand, an umbrella shall be in good repair, supported by a single pole, and be not more than five feet in diameter and eight feet in height; and
 - (4) Merchandise to be sold shall be displayed in a neat and orderly fashion and shall be displayed only upon the approved removable stand;
 - (5) An approved removable stand shall not be used in combination with a food pushcart;
 - (6) Where beverages or snack foods are being sold in conjunction with an approved removable stand, no more than two coolers, as defined by section 34-1-1 of this Code, may be used for the storage of commercially-sealed unopened food items to be sold, provided, that ice in a cooler shall not be used or sold for consumption and melting ice and fluids shall be drained from the cooler and disposed of by the vendor in a sanitary manner and not deposited or drained on any alley, sidewalk or street; and
 - (7) At an approved location for stationary vending, vendors shall be allowed to sell either non-edible good or edible food, but not both types of items.
 - (o) Approved removable stands or food pushcarts, or any other item related to the operation of the vending operation, shall not touch, lean against, or be affixed permanently or temporarily to any building or structure, including, but not limited to, benches, bicycle racks, bus shelters, kiosks, lampposts, mailboxes, parking meters, refuse containers, signs, street lights, traffic signals, or trees.

1 (p) Items relating to the operation of the vending business shall not be left at the
2 approved vending location when the ~~approved removable stand~~ vending business is not in
3 operation.

4 (q) Stationary vendors are prohibited from displaying or selling alcoholic beverages,
5 contraband goods, drug paraphernalia, ~~electronics~~, electrical items, fireworks, food items that have
6 not been approved in writing by the Health Department, secondhand goods, tattoos, and unlicensed
7 goods, provided, that licensed stationary vendors at City approved events and festivals may display
8 and sell alcoholic beverages with approval from the Chief of Police, or the Chief's designee, and
9 the Health Department.

10 (r) It shall be unlawful for any foot ~~or street~~-vendor to display or sell any food or goods
11 in the Central Business District Vending Area or the Cultural Center Vending Area.

12 (s) In accordance with section 2-111 of the Charter, the Director of the Buildings,
13 Safety Engineering and Environmental Department is authorized to promulgate rules to govern the
14 process of assigning approved locations to licensed stationary vendors within the city and for the
15 issuance of special permits or licenses during City-approved events and festivals. Vendors
16 operating during City-approved events and festivals shall be required to obtain a vending license
17 or permit and be subject to other requirements pursuant to agreement or resolution for the event or
18 festival or as specified in the rules promulgated by the Director of the Buildings, Safety
19 Engineering, and Environmental Department.

20 (t) The Director of the Buildings, Safety Engineering, and Environmental Department,
21 in consultation with the Department of Public Works, or the Municipal Parking Department is
22 authorized to designate such other streets, sidewalks, parts of streets or sidewalks, districts, or
23 areas where it shall be unlawful for any vendor to operate or conduct the vendor's business, for

1 the reason that, due to congested traffic conditions or the character of the neighborhood, the
2 conduct of such business constitutes a public nuisance or, upon the recommendation of the Public
3 Health Director, the conduct of such business constitutes a hazard to public health.

4 (u) The Buildings, Safety Engineering and Environmental Department, the Health
5 Department, or the Police Department, may prohibit the sale of any items where it is determined
6 that the sale of such items on City streets, sidewalks, or parts of streets or sidewalks, would
7 jeopardize the health, safety or general welfare or be injurious or detrimental to properties adjacent
8 to, or in the vicinity of, the vending location.

9 (v) Except during City-approved events and festivals, stationary vending on the south
10 side of Jefferson Avenue from the Walter P. Chrysler Freeway (I-375) to Washington Boulevard,
11 is prohibited unless authorized by the Buildings, Safety Engineering and Environmental
12 Department Business License Center, or a City department having jurisdiction over activities on
13 public property in the area.

14 (w) Approved removable stands and food pushcarts shall have advertising and other
15 signage limited to the name of the stand, the items to be sold, and the price of the items to be sold.

16 (x) A vendor shall not create noxious smoke or strong odors which annoys disturbs,
17 injures, or endangers the health, peace, safety, or welfare of others through the preparation or
18 presentation of food or goods to be sold.

19 **Sec. 34-1-6. Stationary Vending in the Central Business District Vending Area and Cultural
20 Center Vending Area.**

21 (a) Only stationary vendors, mobile food establishments, and special transitory food
22 units licensed in accordance with this article shall be authorized to operate in the Central Business

1 District Vending Area and the Cultural Center Vending Area. ~~Street vendors are prohibited in the~~
2 ~~Central Business District Vending Area and the Cultural Center Vending Area.~~

3 (b) The number of licenses issued for stationary vending in the Central Business
4 District Vending Area or Cultural Center Vending Area may be limited by public convenience and
5 necessity. In determining public convenience and necessity, the Director of the Buildings, Safety
6 Engineering, and Environmental Department shall consider the number of vendor licenses issued,
7 the demands of the public for vendors, the vehicular and pedestrian traffic conditions, the impact
8 on existing businesses in the area, whether such service would result in a greater hazard to the
9 public, and such other related facts as may be deemed advisable or necessary. The disapproval of
10 a location for vending by the Director of the Buildings, Safety Engineering, and Environmental
11 Department shall be final unless there is new information supporting approval of the vending
12 location.

13 (c) No more than one stationary vending license shall be issued under this section to
14 any one person, and each such license shall permit the licensee to operate only one vending stand
15 or food pushcart.

16 (d) Except for vendors licensed to operate in conjunction with a City-approved event
17 or festival, stationary vendors under this section shall be allowed to sell only the following items
18 from an approved location:

- 19 (1) Accessories, which shall be limited to belts, handbags, sunglasses, umbrellas, and
20 wallets;
- 21 (2) Artwork, including existing paintings, prints, photographs, and sculptures;
- 22 (3) Auxiliary cords;
- 23 (4) Balloons;

- 1 (5) Bluetooth headphones;
- 2 (6) Bluetooth speakers (small only);
- 3 (7) Bluetooth transmitter interfaces;
- 4 (8) Car chargers;
- 5 (9) Cell phone cases and protectors;
- 6 (10) Cell phone charger cords;
- 7 (11) Cell phone chargers, including portable battery packs;
- 8 (12) Cell phone ear buds;
- 9 (13) Cell phone wall chargers;
- 10 (14) Coffee, beverages, frankfurters, or other food items:
 - 11 a. From a food pushcart licensed by the Health Department; or
 - 12 b. From an approved removable stand and, where required, the vendor has obtained written approval from the Health Department of any food items to be sold;
- 15 (15) Confections and snack foods in commercially-sealed unopened containers and packages that are not potentially hazardous and written approval from the Health Department of the item is not required;
- 18 (16) Disposable cameras;
- 19 (17) Ethnic apparel and clothing, which is limited to wearing apparel that is particular to a specific nationality distinguished by custom, heritage, or language;
- 21 (18) Fragrances, incense, shea butter;
- 22 (19) Fresh flowers;
- 23 (20) Fresh fruit, whole and uncut;

- 1 (21) Handcrafted goods, as defined by Section 34-1-1 of this Code, including baskets,
- 2 jewelry, leather, needle crafts, pottery, quilts, and wood carvings;
- 3 (22) Hand-drawn portraits or caricatures created on the spot;
- 4 (23) Ice cream in commercially-sealed and unopened containers and packages;
- 5 (24) Light-up or glow plastic accessories;
- 6 (25) Micro SD cards;
- 7 (26) Portable MP3 players (small only);
- 8 (27) Secure digital (SD) cards;
- 9 (28) Tablet cases and protectors; and
- 10 (29) Universal serial bus (USB) cards and devices.

11 **Sec. 34-1-8. Restrictions on items approved for vending.**

12 (a) ~~Mobile food establishments and Food pushcarts shall be limited to the preparation~~
13 and serving of frankfurters, and serving of non-potentially hazardous foods, and beverages and
14 commissary wrapped foods maintained at proper temperatures. ~~Mobile food establishments and~~
15 ~~food pushearts shall be used for no other purpose or business.~~

16 (b) Menus listing all food and beverages to be sold from a ~~mobile food establishment~~
17 or food pushcart shall be submitted in writing to the Public Health Director and approved before a
18 ~~mobile food establishment or~~ food pushcart permit is granted. Additions to or changes in menus
19 must be submitted in writing to the Public Health Director for approval. Any unapproved deviation
20 from the menu will result in immediate revocation of the ~~mobile food establishment~~ license.

21 (c) All packaged food served shall bear a label clearly indicating all of the following:
22 (1) The date of packaging;
23 (2) The name and address of the person who prepared and packaged the food; and

1 (3) The name and address of the food service establishment or ~~mobile food~~
2 establishment commissary where the preparation and packaging was completed.

3 **Sec. 34-1-9. Sales near schools prohibited; distance requirements for vendors near any sport**
4 **arena or stadium; exception.**

5 (a) It shall be unlawful for any vendor to park, stand, or stop in the right-of-way for the
6 purpose of making any sale within 200 feet of any k-12 school property within the City.

7 (b) Vending locations for approved removable stands or food pushcarts that are within
8 300 feet from any sports arena or stadium shall not be approved by the Buildings, Safety
9 Engineering, and Environmental Department Business License Center without the written
10 approval of the owner or management of such sports arena or stadium.

11 (c) It shall be unlawful for any mobile food establishment or special transitory food
12 unit to operate within 200 feet of any sports arena or stadium without the written approval of the
13 owner or management of such sports arena or stadium.

14 **Sec. 34-1-11. Disposal of solid waste.**

15 Every vendor or such vendor's vehicle, approved removable stand or food pushcart must
16 be equipped with a receptacle for disposing of the wrappers, papers, envelopes, or other solid waste
17 connected with the vending operation. Every vendor shall be responsible for picking up such
18 wrappers, papers, envelopes, or other solid waste after the sale or delivery of food or goods. In
19 addition, stationary vendors and mobile food establishments, and special transitory food units
20 shall be responsible for continuously picking up all solid waste within 15 feet of such vendor's and
21 establishment's approved removable stand, food pushcart, or vehicle.

22 **See. 34-1-13. Use of noise-making devices.**

1 (a) ~~It shall be unlawful for any street vendor to use any noise making or noise-~~
2 ~~amplifying device:~~

3 (1) ~~To attract the attention of prospective patrons when such device is audible more~~
4 ~~than 300 feet from its source;~~

5 (2) ~~When it is attached to a vehicle which is standing; or~~

6 (3) ~~At any time between the hours of 10:00 p.m. and 10:00 a.m.~~

7 (b) ~~Food vendors, mobile food establishments, and stationary vendors shall not use any~~
8 ~~noise making or noise amplifying devices during their vending operations.~~

9 **Sec. 34-1-13. Other provisions.**

10 (a) During transit, all openings to food preparation areas must be completely protected
11 by tight-fitting covers secured with latches.

12 (b) Mobile food establishments, special transitory food units, and food pushcarts shall
13 provide only single-service articles for use by the customer.

14 (c) The name, and address, and telephone number of the owner of a mobile food
15 establishment, special transitory food unit, or a food pushcart shall be plainly indicated on each
16 side of the exterior of the vehicle in letters of contrasting colors at least three inches high with a
17 minimum three-eighths-inch wide stroke.

18 (d) When not in use, all mobile food establishments and food pushcarts shall be stored
19 at the commissary or other place approved by the Health Department.

20 (e) Spare tires, tools, and other equipment relating to the mechanical operation of a
21 food pushcart shall not be stored in the food preparation, food storage, or utensil areas.

22 (f) Whenever mobile food establishments, special transitory food unit, or food
23 pushcarts are in service, adequate gas and/or electrical power shall be provided to operate the

1 cooking equipment, lighting, refrigeration, ventilation, and other systems necessary for the routine
2 operation of the mobile food establishment, special transitory food unit, or food pushcart.

3 (g) Sale of food from a mobile food establishment or special transitory food unit shall
4 be conducted within 500 feet of an approved and readily available toilet with hand-washing
5 facilities, or sale of food from a food pushcart shall be conducted within 300 feet of an approved
6 and readily available toilet with hand-washing facilities, or as otherwise approved by the Health
7 Department to ensure proper sanitary facilities are available to food service vendors and helpers.
8 The operators of mobile food establishments, special transitory food units, and food pushcarts shall
9 provide the Health Department with a letter stating the available toilet facility before the license is
10 approved.

11 (h) Mobile food establishment, special transitory food unit, and food pushcart
12 operations are subject to the water supply, sewage disposal, and plumbing requirements as set forth
13 in Chapter 19, Article III, of this Code, Sanitation Standards.

14 (i) A copy of the limitations attached to the license of a food pushcart shall be carried
15 on the food pushcart at all time. Such limitations may include restrictions pertaining to the types
16 of foods, food preparation routines, utensil cleaning and sanitizing procedures, or any other
17 procedures which are imposed by the Health Department.

18 **Sec. 34-1-14. Reserved.**

19 **Ses. 34-1-15 - 34-1-20. Reserved.**

20 **Subdivision B. Additional Regulation for Mobile Food Establishments**

21 **and Special Transitory Food Units**

22 **Sec. 34-1-15. Food protection and storage-refrigeration system required.**

23 (a) All food, including ice, shall be from approved sources that comply with the current

1 Michigan Food Law and any other federal, state, or local laws, and shall be clean, wholesome, and
2 safe for human consumption and free from spoilage, adulteration, or misbranding.

3 (b) Food, whether raw or prepared, if removed from the container or package in which
4 it was obtained, shall be stored in a clean and sanitized covered container except during necessary
5 periods of preparation or service.

6 (c) All food shall be packaged and covered or enclosed in a suitable cabinet or
7 refrigerator except during preparation or serving. Bulk foods and beverages must be dispensed
8 from containers that provide complete protection during service.

9 (d) All mobile food establishments and transitory food units shall house facilities
10 sufficient to maintain food temperatures as required by State and Federal Health Codes. The
11 temperature of potentially hazardous foods shall be 41 degrees Fahrenheit or below, or above 135
12 degrees Fahrenheit at all times except as otherwise provided in this division. All refrigeration
13 units shall be equipped with a thermometer, accurate within two degrees Fahrenheit.

14 (e) Metal stem type numerically scaled, indicating thermometers, accurate to two
15 degrees Fahrenheit shall be equipped and used by all food preparation vendors and helpers to
16 assure the attainment and maintenance of proper internal cooking and holding or refrigeration
17 temperatures of all potentially hazardous food.

18 (f) Food products remaining after each day's operation shall be properly stored and
19 refrigerated at 41 degrees Fahrenheit or below. All non-refrigerated food products shall be stored
20 at least 6 inches off the floor on approved shelving or cabinet units.

21 (g) It shall be unlawful for a mobile food establishment or special transitory food unit
22 to prepare, sell, or display any food outside of the establishment or unit, unless specifically
23 permitted by the Health Department.

1 **Sec. 34-1-16. Methods for washing, rinsing and sanitizing utensils and equipment;**

2 **cleanliness of personnel.**

3 (a) Utensils and equipment used on mobile food establishments and special transitory
4 food units must be washed, rinsed and sanitized using equipment and methods specified in the
5 Michigan Food Law.

6 (b) In accordance with the Michigan Food law, all mobile food establishment and
7 special transitory food unit vendors shall:

- 8 (1) Keep their hands and exposed portions of their arms clean.
- 9 (2) Wear clean outer clothing to prevent contamination of food, equipment, utensils,
10 linens, and single-service and single-use articles.
- 11 (3) Refrain from using any form of tobacco, eating, or drinking in areas where
12 contamination of food, clean equipment, utensils, linens, or unwrapped single-
13 service or single-use articles may result.

14 **Sec. 34-1-17. Potable water supply; wastewater disposal required.**

15 (a) Potable water supply tanks shall have an adequate amount of water in their fresh
16 water holding tank and be designed so the tank can be flushed, cleaned, and sanitized. Such tanks
17 shall have a drain that permits complete drainage.

18 (b) Potable water tanks shall have no common interior partition with the tank holding
19 nonpotable water or other liquids. Water tank overflow or vents, if present, shall terminate in a
20 downward direction and shall be located, screened, and constructed so as to prevent the entrance
21 of contaminates.

22 (c) Mobile food establishments and special transitory food units must be equipped with
23 a suitable liquid waste tank with a capacity at least 15 percent larger than the fresh water tank. The

1 tank shall be emptied, flushed, cleaned, and sanitized as often as necessary to maintain sanitary
2 conditions. Mobile food establishments and special transitory food units are prohibited from
3 emptying wastewater directly into sewers and storm drains.

4 **Sec. 34-1-18. Garbage and rubbish disposal.**

5 (a) In addition to the provisions found in Section 34-1-11 of this Code, each mobile
6 food establishment or special transitory food shall have one or more adequately sized refuse
7 container(s) with a tight fitting cover for use by customers and food service personnel.

8 (b) All trash and garbage originating from the operation of the mobile food
9 establishment or special transitory food unit shall be collected and disposed of off-site by the
10 operators each day at their own expense.

11 (c) Spills of food or food by-products shall be cleaned up immediately.

12 (d) Transportation of containers shall not result in contamination of work surfaces.

13 **Sec. 34-1-19. Parking and service to customers; signage and seating requirements.**

14 (a) Mobile food establishments and special transitory food units shall only vend as
15 follows:

16 (1) *Central Business District and Cultural Vending Area.* All mobile food
17 establishments and special transitory food units shall only vend on public streets in
18 the Central Business District and Cultural Vending Area in Food Unit Zones whose
19 locations and times shall be designated by the Director of the Department of Public
20 Works in conjunction with the Director of the Municipal Parking Department.

21 (2) *General metered parking.* All mobile food establishments and special
22 transitory food units vending at any location outside of the Central Business District
23 or Cultural Vending Area, as defined by this subdivision, may vend at any metered
24 parking spot so long as it is in conformance with applicable parking regulations,

1 and shall not hinder the lawful parking or operation of other vehicles.

2 (3) Unmetered parking. All mobile food establishments and special transitory food
3 units vending at any location outside of the Central Business District, Cultural
4 Vending Area, or Commercial Corridors, as defined by this subdivision, may vend
5 at any unmetered parking spot so long as it is in conformance with applicable
6 parking regulations, and shall not hinder the lawful parking or operation of other
7 vehicles.

8 (b) The customer service area for any mobile food establishment or special transitory
9 food unit shall be on the side of the mobile food establishment or special transitory food unit that
10 faces a curb or sidewalk when parked.

11 (c) Any and all signage, bollards, seating, or other equipment must be contained within
12 the mobile food establishment or special transitory food unit. When extended, awnings shall have
13 a minimum clearance of seven feet between the ground level and the lowest point of any awning
14 or support structure.

15 **Sec. 34-1-20. Power source.**

16 (a) Any power required for a mobile food establishment or special transitory food unit
17 located on a public right-of-way shall be self-contained, shall not create a hazard, and shall not be
18 drawn from utilities in the public right-of-way.

19 (b) Mobile food establishments and special transitory food units on private property
20 may use electrical or other power from the property being occupied or a directly adjacent property,
21 but only when the property owner(s) provide(s) written consent to do so.

22 **DIVISION 2. LICENSE**

23 **Sec. 34-1-21. Required; approved locations; special licenses and permits.**

1 (a) It shall be unlawful to conduct or to maintain any business or occupation of foot
2 vendor, stationary vendor, or street vendor in the City without first having obtained a license from
3 the Buildings, Safety Engineering, and Environmental Department Business License Center to
4 operate such business.

5 (b) ~~Except as provided in Section 34-1-22 of this Code, which requires the registration~~
6 ~~of persons who are under the age of 18 years serving as helpers, No person shall assist or help a~~
7 foot vendor, stationary vendor, or street vendor without a license issued by the City.

8 (c) In accordance with Section 2-111 of the Charter, the Buildings, Safety Engineering,
9 and Environmental Department is authorized to promulgate administrative rules to govern the
10 process of assigning approved locations to licensed stationary and street vendors within the City
11 and for the issuance of special licenses or permits during City-approved events and festivals.

12 Vendors operating during City-approved events and festivals are required to obtain a vending
13 license or permit and are subject to other requirements pursuant to any agreement or resolution
14 approving the event or festival, or as specified in the administrative rules promulgated by the
15 Director of the Buildings, Safety Engineering, and Environmental Department.

16 **Sec. 34-1-22. Application; information required.**

17 (a) An application for a license under this division shall be made on a form that is
18 provided by the Buildings, Safety Engineering, and Environmental Department Business License
19 Center. The application shall be considered complete when the appropriate person has signed and
20 dated the application in the presence of a notary public, has paid the required license fee, and has
21 provided the information that is required on the form, including:

22 (1) Where the applicant is an individual:

- a. The applicant's full legal name and any other name used by the applicant during the preceding five years;
 - b. The applicant's current mailing address, telephone number, and e-mail address; and
 - c. Written proof of age in the form of a driver's license, or a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency;
- (2) Where the applicant is a partnership:
 - a. The legal name and any other name used by the partners during the preceding five years; and
 - b. The current mailing address and e-mail address for the business;
- (3) Where the applicant conducts business under a trade or assumed name:
 - a. The complete and full trade or assumed name;
 - b. The county where and date that the trade or assumed name was filed;
 - c. The name of the person doing business under such trade or assumed name, the manager, and other person in charge; and
 - d. The current mailing address and e-mail address for the business;
- (4) Where the applicant is a corporation:
 - a. The full and accurate corporate name;
 - b. The state and date of incorporation;
 - c. The full names and addresses of officers, directors, managers, and other persons with authority to bind the corporation; and

1 its approval that such a mobile food establishment for special transitory food unit
2 can safely prepare the food products listed in its menu without the need for propane,
3 natural gas, or electric cooking components in order to waive the Detroit Fire
4 Department inspection and approval requirements.

5 (12) Any additional information that the Buildings, Safety Engineering, and
6 Environmental Department Business License Center deems necessary to ensure compliance with
7 this article.

8 (b) In addition to the application required by Subsection (a) of this section, each
9 applicant for a vendor's license shall furnish to the Buildings, Safety Engineering, and
10 Environmental Department Business License Center the following:

11 (1) Where a new applicant, two clear passport-type photographs of the applicant taken
12 within 30 days prior to the date of application of a size designated by the Buildings,
13 Safety Engineering, and Environmental Department Business License Center;

14 (2) Where the application is for a food pushcart, a copy of the applicant's Michigan
15 driver's license, state food service license, and proof of liability insurance as
16 required by Section 34-1-25 of this Code, which names the City as an additional
17 insured party;

18 (3) Where the application is for a mobile food establishment or a special transitory food
19 unit, a copy of the applicant's Michigan driver's license, state food service license,
20 ~~a copy of the list of locations within the City where the vendor will operate~~, proof
21 of liability insurance as required by Section 34-1-25 of this Code, which names the
22 City as an additional insured party, and a description of the vehicle together with
23 the Michigan motor vehicle registration and license number; and

(4) Where the application is for an industrial feeding establishment, a copy of the applicant's Michigan driver's license, state food service license, a copy of the route sheet for the locations within the City where the vendor will operate, proof of liability insurance naming the City as an additional insured party, and a description of the vehicle together with the Michigan motor vehicle registration and license number.

(c) Any information provided in accordance with Subsections (a) and (b) of this section
be supplemented in writing and sent by certified mail, return receipt requested, to the
Engineering, Safety Engineering, and Environmental Department Business License Center within
business days of a change of circumstances that would render false or incomplete the
information that was previously submitted.

(d) A person licensed under the terms of this division shall be permitted to have such children, or other minor children under the care, control, and supervision of such licensee, exceeding two at any one time, act as helpers under the terms of this article, provided, that children shall not be less than 12 years of age and not more than 17 years of age and, provided, that such children may act as a helper during school vacation periods on weekends, and on other days as schools are not in regular session and, provided further, that such children shall exempt from the usual fee for a helper and shall be registered with the Buildings, Safety Engineering, and Environmental Department Business License Center. The Buildings, Safety Engineering, and Environmental Department Business License Center shall furnish such children identification cards, which shall include the name, address, and date of birth of the child, and, that a person under the age of 18 years and registered under this section as a helper shall operate a vending operation in the absence of the licensed vendor.

- 1 (d) Where the application is for a helper's license:
- 2 (1) Name of the applicant;
- 3 (2) Residential address of the applicant;
- 4 (3) Telephone number for the applicant;
- 5 (4) A copy of the Michigan driver's license, or state identification number, or
6 government issued picture identification card of the applicant;
- 7 (5) The specific location or locations, or name of mobile food establishment or special
8 transitory food unit, within the City where the applicant proposes to aid or assist a
9 licensed vendor; and
- 10 (6) Where the applicant intends to aid or assist a licensed food vendor, a copy of the
11 state food service license issued by the Michigan Department of Agriculture and
12 Rural Development through the Health Department.

13 **Sec. 34-1-23. Establishment, approval, publication, and payment of annual fee.**

- 14 (a) A non-refundable fee shall be charged for the processing and issuance of a license
15 under this division. In accordance with Section 6-503(13) of the Charter, the Director of the
16 Buildings, Safety Engineering, and Environmental Department shall establish and collect this fee
17 based upon the cost of issuance and administration of the licensing regulations, and the City
18 Council shall approve the fee through adoption of a resolution.
- 19 (b) After adoption of a resolution by the City Council and approval of the resolution
20 by the Mayor, the fees that are provided for in Subsection (a) of this section shall be:
- 21 (1) Published in a daily newspaper of general circulation and in the Journal of the City
22 Council;

1 (2) Made available at the Buildings, Safety Engineering, and Environmental
2 Department and at the Office of the City Clerk; and

3 (3) Reviewed by the Director of the Buildings, Safety Engineering, and Environmental
4 Department at least once every two years;

5 (c) A fee shall be charged each new licensee, any current licensee who applies to renew
6 an existing license, or a current licensee applying for a license at another location.

7 (d) Prior to the expiration of a current license, a licensee shall submit an application
8 for renewal and pay an annual fee for the renewal of a license. Submission of an application for
9 renewal and payment of the license fee before the expiration date of the license shall allow for the
10 continued operation of the business for the location until such time as the license renewal
11 application is denied, or the license is suspended or revoked.

12 (e) Any honorably discharged soldier, sailor, or marine of the military or naval service
13 of the United States, who is a veteran and who complies with all other provisions of this article,
14 shall, upon application and upon proper proof of such service, be issued one annual license under
15 this division without cost. For purposes of this subsection, a veteran, as defined in Section 1 of the
16 Michigan Uniformity of Service Dates Act, being MCL 35.61, means an individual who served in
17 the United States Armed Forces, including the reserve components, and was discharged or released
18 under conditions other than dishonorable.

19 **Sec. 34-1-24. Vendors of food; permits generally.**

20 (a) A license under this division shall not be issued to a person who sells or expects to
21 sell food unless such person has obtained a license from the Health Department for the vending
22 operation. Before issuing or countersigning such permits, the Health Department may require,
23 under oath, such information regarding the identification of the applicant including, but not limited

1 to, the kind, condition, ownership and place or storage of the vehicle, approved removable stand
2 or food pushcart that the applicant uses while vending; the nature and scope of the applicant's
3 business; where applicable, the route which the applicant follows and such other information that
4 may be deemed necessary to protect the health and general welfare of the public. Where, in
5 securing such information, facts are obtained that appear to indicate the applicant for a license
6 under this article should not be granted such license, then a report on the applicant shall be made
7 to the Director of the Buildings, Safety Engineering, and Environmental Department for the
8 Director's consideration and decision before a license to sell food is issued.

9 **(b) A license under this division shall not be issued to operate a special transitory food**
10 unit until such time as the licensee has obtained a State of Michigan food service license for the
11 special transitory food unit. The special transitory food unit shall submit plans and specification
12 to the Detroit Health Department Food Safety Unit in accordance with the Michigan Food Law,
13 being MCL 280.1101 et seq., prior to inspection, and shall include:

- 14 **(1) The plan review application and review fees;**
- 15 **(2) The special transitory food unit Plan Review Worksheet provided by the Health**
16 Department;
- 17 **(3) Menu including all food items, beverages, and desserts;**
- 18 **(4) One complete set of plans showing:**
- 19 **a. Proposed layout, with all equipment, including countertop items, sinks,**
20 **shelves, prep tables and their intended uses;**
- 21 **b. Mechanical plan: location of hood and fire suppression;**

- c. Plumbing plan: sinks for handwashing, food preparation, and dishwashing, dishmachines, hot and cold water outlets, hot water equipment, water heater, fresh water tank, waste water tank; and floor drains/sinks;

(5) Specifications including the manufacturer's specifications for each piece of equipment, which shall include:

 - a. Type, manufacture, model number, dimensions and performance capacity;
 - b. Indication on how the equipment will be installed;
 - c. Indicate which items are used equipment and what equipment is NSF approved or equivalent;
 - d. Sanitation Standard Operating Procedures for food processing, cutting, and grinding equipment;

(6) Standard Operating Procedures:

 - a. Provide information about the area or location where you intend to operate.
 - b. Indicate where the vehicle/unit, food and equipment will be stored when not in operation;
 - c. Indicate where food employees will use the restroom, attach a letter from the facilities owner providing access to the restroom(s);
 - d. Indicate where fresh water will be obtained and where waste water will be disposed of; and

21 Sec. 34-1-25. Food vendors; licensing; insurance; operation.

- 22 (a) The Director of the Buildings, Safety Engineering, and Environmental Department
23 is authorized to issue a license in accordance with Chapter 28 of this Code, *Licenses*, to any

1 operator of a food pushcart or mobile food establishment, or special transitory food unit who
2 meets the provisions of this article, provided, that such person complies with all the requirements
3 of the Buildings, Safety Engineering, and Environmental Department, the Health Department, and
4 this article, and pays the required license fee. All licenses granted under this section shall be
5 renewed annually and shall not be transferred or assigned. The Directors of the Buildings, Safety
6 Engineering, and Environmental Department and the Health Department may refuse to grant
7 renewal of any license or permit to any person where, upon investigation, the facts warrant such
8 refusal.

9 (b) Lenses granted under this section shall be carried by the individual named on the
10 license or posted in a visible location on the food pushcart or mobile food establishment, or
11 special transitory food unit at all times while vending. The commissary approved by the Health
12 Department shall be used by the food pushcart vendor or the mobile food establishment, and where
13 applicable, the approved location for a food pushcart shall be made a part of the City license.

14 (c) Before a license permitting the operation of a food pushcart or mobile food
15 establishment, or special transitory food unit shall be issued, the applicant shall file with the
16 Buildings, Safety Engineering, and Environmental Department a public liability and property
17 damage insurance policy, naming the applicant, including its employees, as the insured and the
18 City as an additional insured party, providing for the payment of any liability imposed by law upon
19 such applicant or the City to the extent of \$100,000.00 for injury to or death of one person and
20 \$300,000.00 for injuries to or death of more than one person, and damages to property of
21 \$1,000.00.

22 (d) No more than three persons shall sell or operate in connection with any one mobile
23 food establishment or food pushcart. No more than four persons shall sell or operate on site in

1 connection with any one mobile food establishment or special transitory food unit at any one time.
2 The owner or person in charge of such unit shall have a vendor's license covering such unit and, if
3 ~~there are one or two other persons, and any other persons~~ shall have the same kind of license or a
4 helper's license.

5 (e) Any person issued a helper's license shall be limited to assisting and helping the
6 vendor at the same mobile food establishment, special transitory food unit, or food pushcart for
7 which the vendor is licensed, unless such person has written authorization to conduct the vending
8 operation in the absence of the licensed vendor.

9 (f) All non-potentially hazardous food being sold by a vendor shall be clean,
10 wholesome, free from spoilage, free from adulteration and misbranding, protected from
11 contamination and safe for human consumption. All vehicles and displays used by vendors in the
12 sale of food shall be maintained in a clean, sanitary condition and protected from contamination.
13 Food storage, including vehicles containing loads or parts of loads of food products, shall be kept
14 in sanitary places in compliance with the applicable provisions of the Michigan Food Law of 2000,
15 being MCL 289.1101 *et seq.*, which is incorporated by reference into this Code through Section
16 19-1-1, and Chapter 19, Article III, of this Code, *Sanitation Standards*.

17 (g) A food pushcart vendor shall remain stationary at the approved location and
18 vending from an unapproved location shall be grounds for revocation or suspension, or denial of
19 renewal of the license in accordance with Chapter 28 of this Code, *Licenses*.

20 (h) Food pushcart vendors and their helpers shall restrict their operations to the
21 sidewalk. The conducting of business on any street or center median strip of a street is prohibited.
22 Vendors shall operate at all times in such a manner so as not to interfere with pedestrian or
23 vehicular traffic.

1 (i) Mobile food establishment and special transitory food unit vendors shall not operate
2 within 20 feet of any building entrance way or emergency exit, driveway, corner, sidewalk café,
3 bus stop, pedestrian crosswalk, or fire hydrant. The first 20-foot limitation shall be determined by
4 measuring 20 feet on either side of a point at a curb opposite the door or entrance on the building.

5 **Sec. 34-1-26. Health Department approval required.**

6 The Buildings, Safety Engineering, and Environmental Department Business License
7 Center shall submit all applications for mobile food establishment, food pushcart, and helpers
8 licenses to the Public Health Director. All mobile food establishments and food pushcarts shall
9 submit properly prepared plans and specifications to the Health Department in accordance with
10 the Michigan Food Law ~~of 2000~~, being MCL 289.1101 *et seq.*, which is incorporated by reference
11 into this Code through Section 19-1-1. Plans and specifications must be approved by the Health
12 Department prior to any mobile food establishment or food pushcarts, commencing operation. The
13 Public Health Director shall inspect or cause to be inspected any equipment that will be used as a
14 commissary, mobile food establishment and/or food pushcart and they shall conform in all respects
15 with the provisions of the Michigan Food Law ~~of 2000~~, being MCL 289.1101 *et seq.*, which is
16 incorporated by reference into this Code through Section 19-1-1. In addition, the Public Health
17 Director shall inspect or cause to be inspected any equipment that will be used as a mobile food
18 preparation unit or food pushcart with regard to the provisions of this article and the requirements
19 of the statutes, and administrative rules promulgated by the state relative to construction,
20 equipment, cleanliness and sanitary facilities. The Public Health Director shall return the
21 application to the Buildings, Safety Engineering, and Environmental Department with the Public
22 Health Director's approval or disapproval of the mobile food establishment or food pushcart
23 license.

24 **Sec. 34-1-27. State license a prerequisite to obtaining City license.**

1 (a) All mobile food establishments and food pushcarts must be licensed by the
2 Michigan Department of Agriculture and Rural Development through the Health Department in
3 accordance with the Michigan Food Law ~~of~~ 2000, being MCL 289.1101 *et seq.*, which is
4 incorporated by reference into this Code through Section 19-1-1.

5 (b) Two decals for the state license shall be obtained from the Health Department, and
6 shall be affixed and displayed on each side of the mobile food establishments and food pushcarts
7 in a conspicuous location. Decals shall be placed on the cart by the Health Department at the time
8 a license is approved for the mobile food establishments.

9 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
10 safety, and welfare of the People of the City of Detroit.

11 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
12 repealed.

13 **Section 4.** This ordinance shall become effective April 30, 2022 after publication in
14 accordance with paragraph 3 of Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Lawrence T. García
Corporation Counsel