

**BOIS BLANC TOWNSHIP  
MACKINAC COUNTY, MICHIGAN  
(Ordinance No. 49)**

At a regular meeting of the Township Board for Bois Blanc Township held at the Township Hall on March 13, 2024, beginning at 5:05 p.m., this Ordinance was offered for adoption by Township Board Member Anne Kennedy and was seconded by Township Board Member Keri Viers:

**AN ORDINANCE TO LICENSE AND REGULATE FOOD TRUCKS, FOOD BOOTHS AND SIMILAR VEHICLES AND ITEMS; TO PROVIDE FOR THE PROCESSING OF THE SAME; TO PROVIDE FOR REGULATIONS OF SUCH USES AND TO PROVIDE REMEDIES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

THE TOWNSHIP OF BOIS BLANC (the "Township") ORDAINS:

Section 1. Name.

This Ordinance shall be known and may be referred to as the "Bois Blanc Township Food Truck Ordinance."

Section 2. Purpose and Intent.

The Township Board for Bois Blanc Township finds that the regulation of food trucks, food booths and similar items is necessary for the public health, safety and welfare of the residents and property owners of Bois Blanc Township, as well as visitors to the Township. Furthermore, since both vehicles and food are involved, the safety and health of the general public must be protected and preserved.

Section 3. Definitions.

For purposes of this Ordinance, the following words, terms and phrases shall mean as follows:

- A. "Food truck" shall mean any food truck, food booth, trailer, ice cream truck, food cart, or other item which is generally moveable, portable or on a trailer and from which food is offered or sold. A food truck (whether it be a vehicle, booth, trailer or similar item) may or may not have cooking facilities thereon for food.
- B. "Township" shall mean Bois Blanc Township in Mackinac County, Michigan.

Section 4. Licensing and Requirements.

- A. No food truck shall be operated, be used or offer any food or edible items for consumption or sale to the general public prior to a license being obtained for such use and activities from the Township pursuant to this Ordinance.
- B. Licenses issued under this Ordinance shall be issued by the Bois Blanc Township Clerk if all of the requirements of this Ordinance are met. License applications shall be on a form approved by the Township Board and shall be fully filled out by the applicant before submitting the license application to the Township.
- C. The Township Board shall set a fee for the application and issuance of a license under this Ordinance, which may be changed by the Township Board from time-to-time.
- D. A license issued under this Ordinance shall be valid for one (1) year.
- E. No license shall be issued by the Township Clerk unless the applicant presents proof of insurance to the Township for use and operation of the food truck in an amount of at least \$500,000.

- F. The owner and operator of a food truck shall comply at all times with not only the requirements of this Ordinance, but also any conditions and requirements on the face of any license issued by the Township.
- G. Every license issued under this Ordinance shall be displayed in a prominent and visible location (and visible to members of the public) on every food truck.
- H. No license shall be issued pursuant to this Ordinance unless the applicant presents written proof from the LMAS Health Department to the Township Clerk that the food truck meets any and all applicable requirements of the LMAS Health Department.

Section 5. General Regulations.

Every food truck (as well as any and all uses thereof) shall fully comply with all of the following:

- A. All food shall be kept, stored, cooked (if applicable) and sold only in a sanitary and healthful condition.
- B. Every Township ordinance and LMAS, State of Michigan, and federal requirement and laws shall be met and complied with.
- C. No food truck shall block or impede traffic on a public road.
- D. No food truck shall be a fire hazard.
- E. Every food truck shall carry a waste, garbage or trash basket or receptacle for use by the public in conjunction with the food truck. The operator shall lawfully and daily dispose of all garbage, trash and rubbish generated by the use or operation of the food truck.

- F. No food truck shall utilize any flashing, blinking or strobe lights or similar effects to draw attention to the food truck.
- G. Food trucks shall not utilize any amplification devices, loud music, crying out or any audible methods to gain attention of members of the public.
- H. There shall be no signage used by food trucks except for what is attached to the food truck itself.
- I. No food truck shall operate between the hours of dusk and dawn.
- J. No food truck shall utilize electricity or power of the Township or any other property owner without permission.
- K. The operator of a food truck shall not represent the granting of a license under this Ordinance as any type of endorsement by the Township.
- L. No food truck shall trespass on the property of another without express prior permission.
- M. No food truck shall sell or offer to sell anything other than readily consumable food items. Food trucks shall not sell or offer to sell any fishing bait, frozen foods or anything other than cooked or readily edible food items.
- N. No food truck shall operate within 1,000 feet of a tavern or restaurant unless approved by the owner of the tavern or restaurant.

Section 6. Allowed Locations.

- A. No food truck shall operate or serve members of the public on or from a private lot or parcel unless such property is zoned as commercial under the Bois Blanc Township Zoning Ordinance and complies with any and all applicable regulations and requirements of the Zoning Ordinance.

B. A food truck with a valid Township license under this Ordinance may temporarily park and serve the public only on and at the following locations:

- (1) On the Township Hall property during the Saturday farm market.
- (2) At the Township marina, but only in compliance with all Bois Blanc Township Harbor Commission and Township requirements and regulations regarding location and other matters.
- (3) At or within any Township park.
- (4) Adjacent to the veterans' memorial near the Old Pines Dock.

Section 7. Revocation of a license issued under this Ordinance.

The Township Clerk may revoke any license issued under this Ordinance where any food truck operator or owner is in substantial violation of any of the provisions of this Ordinance, the Township Zoning Ordinance, any other Township ordinance or any requirement of the county, state or federal government regarding the food truck. The owner of the food truck may appeal any such license revocation to the Bois Blanc Township Board by filing an appeal in writing with the Township Clerk within 21 days of the date of the license revocation. The Township Board shall hold a public hearing regarding any such appeal. The Township Board's decision on the appeal shall be final.

Section 8. Exemptions.

This Ordinance does not apply to a food booth or food truck operating lawfully at:

- (a) The Saturday farm market on the Township Hall property.
- (b) A church bazaar or function.
- (c) A Township approved public function.

- (d) Within the parking area of a tavern or restaurant if operated or sponsored by the owner of the tavern or restaurant.
- (e) A privately sponsored event held on private property.

Section 9. Enforcement and Remedies.

- a. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in a violation of this Ordinance, shall also be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twenty-four (24) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- b. Any person aiding in any violation of this Ordinance shall be jointly and severally liable and responsible for complying with this Ordinance and for any and all violations of this Ordinance and any consequences thereof.
- c. In addition to the above-mentioned remedies, the Township is also authorized (at

its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in the Mackinac County Circuit Court. The remedies and penalties provided in this Ordinance are cumulative and not exclusive.

- d. This Ordinance may be enforced by authorized officials including the Township Supervisor, the Building official, the Township Zoning Administrator, the Township Enforcement Officer, a Deputy County Sheriff, a State Police officer, and such other Township officials or agents as the Township Board may designate from time to time. Any such official may also issue one or more civil infraction citations or tickets pursuant to this Ordinance.
- e. A violation of this Ordinance is also hereby declared to be a nuisance *per se* subject to abatement and is also declared to be offensive to the public health, safety and welfare.
- f. Except as otherwise specifically provided in this Ordinance, this Ordinance shall be administered and interpreted by the Township Supervisor.
- g. Should the Township pursue a municipal civil infraction proceeding in the District Court and / or a conventional enforcement lawsuit or declaratory judgment action in the Circuit Court and should the Township prevail in whole or in part in any such court proceedings, then the Defendant shall pay and reimburse the Township for the Township's reasonable attorney fees and costs pursuant to any such court proceeding (including, attorney fees and costs incurred by the Township before and leading up to the District Court or Circuit Court proceedings, the formal hearing or trial court proceedings and through any appeals).

Section 10. Validity and Severability.

Should any portion of this Ordinance be found to be invalid for any reason by a court of competent jurisdiction, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 11. Effective Date.

This Ordinance shall become effective upon the expiration of 30 days after this Ordinance or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: Anne Kennedy, Brent Sharpe, Keri Viers, and Diane Akright

NAYS: none

ABSENT/ABSTAIN: Tom Wybranowski

ORDINANCE DECLARED ADOPTED.

**CERTIFICATION**

I hereby certify the above is a true copy of an Ordinance adopted by the Township Board for Bois Blanc Township at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By *Diane Akright*  
Diane Akright  
Bois Blanc Township Clerk

*Pub. St Ignace News*