

**COVERT TOWNSHIP
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 107**

**MOBILE FOOD TRUCKS AND TRAILER FIRE SAFETY REQUIREMENTS
ORDINANCE**

**ADOPTED: October 10, 2023
EFFECTIVE: November 21, 2023**

An Ordinance to protect the public health, safety and welfare by requiring mobile food trucks and trailers used within Covert Township to meet certain minimum standards for general safety, and fuel and power sources; to address operational and propane system safety; to provide an effective date; to repeal ordinances in conflict herewith; and to provide penalties for violation hereof.

**SECTION 1
NAME AND PURPOSE**

This ordinance shall be known and cited as the Covert Township Mobile Food Trucks and Trailer Fire Safety Requirements Ordinance. The purpose is to protect the public health, safety and welfare by requiring mobile food trucks and trailers used within Covert Township to meet certain minimum standards for general safety; and fuel and power sources; to address operational and propane system safety; to provide an effective date; to repeal ordinances in conflict herewith; and to provide penalties for violation hereof.

**SECTION 2
DEFINITIONS**

The following definitions shall apply to this Ordinance:

- a. Food Truck - shall mean a self-propelled structure with motor in which food is prepared and served through a window on the truck. Food trucks do not have interior seating. Food trucks supplying seating under a tent or canopy or within a portable structure shall also be subject to the Covert Township Portable Structure Ordinance if one has been enacted.
- b. Food Trailer –shall mean a portable structure on wheels which is not self-propelled and is capable of being towed in which food is prepared, served and sold through a window on the trailer. Food trailers do not have interior seating. Food trailers supplying seating under a tent or canopy or within a portable structure shall also be subject to the Covert Township Portable Structure Ordinance if one has been enacted.

- c. "In use" as utilized in this ordinance shall mean preparing to, serving, or selling food from the food truck or food trailer. "In use" does not refer to a food truck or food trailer that is parked or stored in the township on the property of the food truck or trailer owner while not serving food or preparing to serve food.
- d. References to "NFPA" shall mean the "National Fire Protection Association". Book number and section references are provided for ease of the public.

SECTION 3 **REQUIREMENTS**

An operator of a food truck or food trailer serving or preparing to serve food for sale and/or human consumption within Covert Township is required to adhere to the following requirements in addition to the requirements of any other ordinance and state law for food service:

- a. Obtain permits from the Covert Township Fire Department prior to service. [1:1.12.8(a)]
- b. There shall be no public seating within the food truck or food trailer.
- c. A food truck or food trailer in use shall be located at least 10 feet away from buildings, structures, vehicles, and any combustible materials. [96:B.13.1; B.13.2]
- d. A food truck or food trailer in use shall ensure that fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4]
- e. A food truck or food trailer in use shall provide clearance for the fire department to access nearby fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5]
- f. A food truck or trailer in use that utilizes combustible media for cooking shall provide an approved fire extinguishing system. [96:10.1.2]
- g. A food truck or food trailer in use shall install portable fire extinguishers in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3]
- h. A cooking appliance in a food truck or food trailer that produces grease-laden vapors shall be protected by listed fire-extinguishing equipment. [96:14.7.1]
- i. A food truck or food trailer in use shall ensure that all workers present are trained in the proper use of fire extinguishers and extinguishing systems. (96:B.15.1; 10.1.2).
- j. All employees of a food truck or food trailer in use shall know the proper method for shutting off fuel sources ([96:10.4.1]; the proper procedure for notifying the local fire department [1:10.14.9 for carnivals only]; and

the proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17]

- k. A food truck or food trailer in use shall install and provide wheel chocks to prevent mobile and temporary cooking units from moving. [96: B.21.5]
- l. A food truck or food trailer operator shall keep and maintain all record-keeping documents in one location on the mobile cooking operation and shall make such records available to the fire department of Covert Township upon request.

SECTION 4
FOOD TRUCK AND FOOD TRAILER OPERATIONAL SAFETY

In order to protect the public health, safety and welfare and in addition to the other requirements of this Ordinance, a food truck or food trailer operator of a food truck or food trailer in use in the township shall adhere by to following operational safety requirements:

- a. The operator shall not leave cooking equipment unattended while it is still hot.
- b. The operator shall only operate or permit the operation of cooking equipment only when all windows, service hatches, and ventilation sources are fully opened unless weather conditions require the retaining of interior heat. [96:14.2.2; 96:14.2.3]
- c. The operator shall ensure that all gas supply piping valves and gas container valves are fully closed when the equipment is not in use. [58:6.26.8.3]
- d. The operator shall ensure that all cooking equipment, including the cooking ventilation system, is regularly cleaned and grease removed. [96:11.4]
- e. All mobile or temporary cooking operations shall be separated from other mobile or temporary cooking operations by a clear space distance of 10 ft. [96:B13.2]
- f. The address of the current operational location for all food trucks or food trailers in use in the township shall be posted accessible to all employees. [96:B.15.6]

SECTION 5
FUEL AND POWER SOURCE REGULATIONS APPLICABLE TO FOOD TRUCKS
AND TRAILERS

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in Covert Township shall be required to adhere to the following regulations regarding the cooking fuel and power source(s):

- a. Prior to commencing cooking, the operator shall verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1]
- b. Refueling shall only be permitted during non-operating hours. [96:B.18.3]
- c. Any engine-driven source of power shall be separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2]
- d. Any engine-driven source of power shall be turned off and completely shut down prior to refueling from a portable container.
- e. Prior to refueling from a portable container, the operator shall verify that surfaces of engine-driven source of power are cool to the touch.
- f. An operator shall ensure that all electrical appliances, fixtures, equipment, and wiring comply with the NFPA 70®. [96:B.18].
- g. An operator shall ensure that exhaust from engine-driven sources of power comply with the following:
 - The source of exhaust shall be located at least 10 ft in all directions from openings and air intakes [96:B.13]
 - The source of exhaust shall be located at least 10 ft from every means of egress [96:B.13]
 - The source of exhaust shall be directed away from all buildings [1:11.7.2.2]
 - The source of exhaust shall be directed away from all other cooking vehicles and operations [1:11.7.2.2]
 - The source of exhaust shall be directed away from the public.

SECTION 6
PROPANE SYSTEM INTEGRITY

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in Covert Township which utilizes propane for cooking fuel shall adhere to the following regulations regarding the propane system integrity prior to placing such unit in use in the township:

- a. The operator shall ensure that the main shutoff valve on all gas containers is readily accessible at all times. [58:6.26.4.1(3)]
- b. The operator shall ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4]
- c. The operator shall perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17]
- d. The operator shall perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17]
- e. The operator shall ensure that where a gas detection system is installed, that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.2]
- f. The operator shall document all leak testing and shall make documentation available for review by the authorized official. [58:6.26.5.1(M)]
- g. The operator shall ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)]

SECTION 7

SOLID FUEL REGULATIONS FOR FOOD TRUCKS AND FOOD TRAILERS

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in Covert Township which utilizes solid fuel (wood, charcoal, or other fuel) for cooking shall adhere to the following additional regulations prior to placing such unit in use in the township:

- a. Such fuel shall not be stored above any heat-producing appliance or vent. [96:14.9.2.2]
- b. Such fuel shall not be stored closer than 3 ft to any cooking appliance. [96:14.9.2.2]
- c. Such fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7]
- d. Such fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4]
- e. Ash, cinders, and other fire debris shall be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1; 96:14.9.3.6.2]

- f. Removed ashes, cinders, and other removed fire debris must be placed in a closed, metal container located at least 3 feet from any cooking appliance. [96:14.9.3.8]

SECTION 8
VIOLATION AND PENALTY

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance or fails to adhere to a site plan approved hereunder; fails to obtain a permit, or fails to provide fire safety equipment or inspections as required herein; fails to adhere to the parameters of a permit issued, fails to remove a temporary structure or otherwise violates any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$150.00	\$500.00
2nd Offense within 3-year period*	\$250.00	\$500.00
3rd Offense within 3-year period*	\$325.00	\$500.00
4th or More Offense within 3-year period*	\$500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Covert Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION 9
SEVERABILITY AND SAVINGS CLAUSE

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. Any matters, cases or prosecutions presently pending under an ordinance or ordinance provision that is

repealed by this Ordinance may proceed to its natural conclusion as if such provision was in full force and effect.

SECTION 10
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11
EFFECTIVE DATE

This ordinance shall take effect 30 days after publication, after adoption.

COVERT TOWNSHIP
Wednesday Pritchard, Clerk
73943 E. Lake Street
PO Box 35
Covert, MI 49043
269-764-8986
www.covertpwp.com

Covert Township Fire Department Application for Mobile Food Vehicles

Name of Business Owner _____ Date of Birth ____ / ____ / ____

Driver's License Number: _____ State Issued: _____

Home Address _____

City _____ State _____ Zip Code _____

Business Name _____

Business Address _____

City _____ State _____ Zip Code _____

Telephone Number (____) _____ (____) _____

This Vehicle has the Following Fuel and Cooking Operations

- | | | | |
|---|---|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Propane (LPG) | <input type="checkbox"/> Compressed Natural Gas (CNG) | <input type="checkbox"/> Generator | <input type="checkbox"/> Solar |
| <input type="checkbox"/> Stove | <input type="checkbox"/> Oven | <input type="checkbox"/> Deep Fryer | <input type="checkbox"/> Hood System |
| <input type="checkbox"/> Automatic Fire Suppression | | | |

Email: _____

Website: _____

License Plate: _____

Vehicle Identification Number _____ Year Built _____

Vehicle Insurance Policy Number _____

Vehicle Insurance Provider _____

Address of Insurance Provider _____

City _____ State _____ Zip Code _____

Insurance Provider Telephone (____) _____

By signing below, I _____ affirm that all the above to be true and correct. Further, I am the responsible party for all safe operations to be

conducted in the Mobile Food Vehicle listed and doing business within Van Buren County, Michigan.

Applicant

Signature: _____ **Date:** _____

Applicant Printed Name: _____

Applicant

Signature: _____ **Date:** _____

This Vehicle was inspected by Covert Township Fire Marshal:

_____ On this date ____/____/____

CLERK'S CERTIFICATE

I, Wednesday Pritchard, the Clerk of Covert Township, Van Buren County, Michigan, do hereby certify that at a regular meeting of the Covert Township Board held on October 10, 2023, at the Covert Township Hall, at which the following members were present, the Board enacted and passed Ordinance No. 107 hereinbefore recorded, to become effective on the 21st day of November 2023.

Motion was offered by Cook, supported by Pritchard to adopt the Ordinance. The members of the board voted as follows:

Cook - YES

Rendell - YES

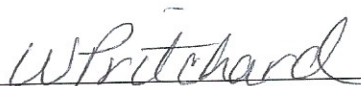
Pritchard - YES

Taylor - YES

Hartman - YES

I do further certify that in accordance with Township Board direction, a summary of the Ordinance was published in a newspaper of general circulation in Van Buren County, Michigan, and circulated in Covert Township on the 22nd day of October 2023 including where the same could be examined or purchased and that said Ordinance No. 107 was recorded in this Ordinance Book on the 22nd day of October 2023.

Dated: November 2, 2023



Wednesday Pritchard, Clerk
Covert Township