

Proposed Amendment by Councilman Sutton – for future consideration (3/24/2020)

ORDINANCE NO. 20-29

OFFERED BY: Mayor Shubert

AN ORDINANCE AMENDING SECTION 874.04 OF CHAPTER 874, “MOBILE FOOD VEHICLES,” OF THE BUSINESS REGULATION CODE REGARDING THE LOCATION OF OPERATION FOR MOBILE FOOD VEHICLES; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 16-46 adopted on April 19, 2016, this Council enacted Chapter 874, “Mobile Food Vehicles,” of the Business Regulation Code to ensure that food trucks doing business in the City comply with all applicable health and fire codes and addressing other health, safety and welfare issues, including hours of operation, waste removal, locations, signage, and insurance requirements; and

WHEREAS, as it is currently written, Section 874.04 of the Business Regulation Code provides that Mobile Food Vehicles, even when part of an approved temporary special event under Chapter 872, are not permitted to operate within 500 feet of any brick and mortar restaurant; and

WHEREAS, pursuant to Ordinance No. 19-182 adopted on December 10, 2019, this Council established a 90-day moratorium on the enforcement of the above referenced regulation regarding the permitted location of operation for Mobile Food Vehicles as set forth in Section 874.04(b); and

WHEREAS, after study and review, City staff recommends that Sections 874.04 of Chapter 874, “Mobile Food Vehicles,” of the Business Regulation Code be amended to permit a Mobile Food Vehicle to operate within 500 feet of a brick and mortar restaurant when said Mobile Food Vehicle is a part of an approved temporary special event pursuant to Chapter 872; and

WHEREAS, City Staff further recommends that Sections 874.04 of Chapter 874, “Mobile Food Vehicles,” of the Business Regulation Code be amended to limit the amount of days within a single month that a mobile food vehicle may be permitted to operate from the same location; and

WHEREAS, this Council finds that amending Chapter 874, “Mobile Food Vehicles,” of the Business Regulation Code as set forth herein is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Existing Section 874.04, “Regulations,” of Chapter 874, “Mobile Food Vehicles,” of the Business Regulation Code, of the Codified Ordinances of the City of Hudson is hereby amended to read as follows:

“874.04 REGULATIONS.

(a) A mobile food vehicle shall not operate on City-owned property or within the public right-of-way unless authorized as part of a temporary special event, except that ice cream sales trucks may operate within the public right-of-way without being part of a temporary special event.

(b) A mobile food vehicle shall not operate within 500 feet of a temporary special event, unless approved as part of a temporary special event, ~~under Chapter 872, “Temporary Special Events,” or any brick and mortar restaurant.~~

(c) A mobile food vehicle shall not operate within 500 feet of a brick and mortar restaurant, unless approved as part of a temporary special event.

~~(d)~~ No mobile food vehicle shall operate prior to 7:00 a.m. or after 10:00 p.m. unless specifically authorized as part of a temporary special event permit.

~~(d)~~(e) All mobile food vehicles shall offer a waste container for public use that the operator shall empty at his or her own expense and not into any City-owned waste container.

~~(e)~~(f) No mobile food vehicle shall make or cause to be made any excessive noise, lighting, or other method of attracting the attention of the public, except for ice cream sales trucks if any such noise, lighting or other method of attracting the attention of the public otherwise complies with the City’s noise ordinance and any other applicable regulations.

~~(f)~~(g) Mobile food vehicles shall not be permitted free-standing temporary signage except one menu board, with a maximum size of six square feet, placed adjacent to the mobile food vehicle.

~~(g)~~(h) The City reserves the right to relocate a mobile food vehicle to an alternate location as determined by the City Manager if the approved location needs to be used for emergency purposes or other public benefit.

~~(h)~~(i) The operation of the mobile food vehicles shall at all times be in compliance with all applicable governmental rules and regulations, including but not limited to those of the County Public Health Department and the State.

~~(i)~~(j) The City Fire Department may inspect mobile food vehicles at any time to ensure compliance with all applicable Federal, State, and local fire safety statutes, regulations, ordinances, and codes.

~~(j)~~(k) A separate application and permit are required for each temporary special event at which licensed mobile food vehicles will operate.

(l) Unless specifically authorized as part of a temporary special event, Aa mobile food vehicle shall not be parked or stored on any ~~operated from the same~~ lot, parcel, or location between the hours of 10:30 p.m. and 6:30 a.m. unless such parking or storage is within an enclosed structure. ~~for more than five (5) calendar days in any one (1) calendar month, regardless of the actual length of time that the mobile food vehicle is operated on the lot, parcel, or location in any one (1) calendar day.~~

Section 2. Existing Section 874.04, “Regulations,” of Chapter 874, “Mobile Food Vehicles,” of the Business Regulation Code, of the Codified Ordinances of the City of Hudson is repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare and for the further reason that it is immediately necessary to adopt these amended regulations for Mobile Food Vehicles before the spring and summer months when events using food trucks are usually scheduled; wherefore, this Ordinance shall go into effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto, except that six (6) affirmative votes shall be required if all members of Council are present at the meeting at which it is passed; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth A. Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 20-29 was duly passed by the Council of said Municipality on _____, 2020.

Elizabeth Slagle, Clerk of Council

First Reading: March 3, 2020

Second Reading: [March 24, 2020](#)

Third Reading: