

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ENFORCEMENT OF CHAPTER 874 OF THE BUSINESS REGULATION CODE RELATED TO THE LOCATION OF OPERATION FOR MOBILE FOOD VEHICLES; AND DECLARING AN EMERGENCY.

WHEREAS, Section 874.04(b) of the Business Regulation Code provides that 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;" and

WHEREAS, Section 874.04(b) of the Business Regulation Code also provides that a mobile food vehicle shall not operate within 500 feet of any brick and mortar restaurant; and

WHEREAS, effective, thoughtful, and smart regulation of the location of mobile food vehicles within the City of Hudson is an important public purpose necessary to the public health, safety, and general welfare of the City's residents, businesses, and visitors; and

WHEREAS, the passage of this moratorium is not intended to and shall not create any claims relative to legal nonconforming status for any owner and/or operator of a mobile food vehicle prior to and/or during this temporary moratorium; and

WHEREAS, this moratorium is not intended to and shall not grant any special and/or preferential legal status to any owner or operator of a mobile food vehicle operating as of the effective date of this Ordinance (or during the term of this moratorium); and

WHEREAS, this moratorium is strictly limited to a moratorium on enforcement of Section 874.04(b); and

WHEREAS, all mobile food vehicles operating during the term of this moratorium shall be operated in compliance with the remaining terms of Chapter 874 not subject to this moratorium; and

WHEREAS, this Council desires to accommodate the needs of its residents and businesses by temporarily suspending the enforcement of the Business Regulation Code related to the location of operation for mobile food vehicles, the purpose of which is to direct City Staff to study and consider drafting new regulations with respect to location of operation for mobile food vehicles within the City; and

WHEREAS, this Council recognizes that the review, community outreach, and legislative analysis of regulations related to the location of operation for mobile food vehicles will require at least a three (3)-month moratorium on enforcement of Section 874.04(b) of the Business Regulation Code through March 9, 2020.

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

Section 1: This Council declares the above findings to be true and correct.

Section 2: There is established a ninety (90)-day moratorium which shall suspend the enforcement of the regulations associated with the location of operation for mobile food vehicles as set forth in the Business Regulations Code, Section 874.04(b).

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 any of its committees that resulted in such formal action were in meeting 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 preservation of the general welfare of the City by reason of the immediate necessity of implementing this temporary moratorium at the earliest possible date so as to enable the City to quickly and responsibly begin to study, analyze, and review the current regulations related to location of operation for mobile food vehicles contained in the City's Business Regulations Code; wherefore, this Ordinance shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 19-182 was duly passed by the Council of said Municipality on _____, 2019.

Elizabeth Slagle, Clerk of Council