

ORDINANCE NO. 16-55
(Revised April 19, 2016)

OFFERED BY: Mayor Basil

AN ORDINANCE ENACTING A NEW CHAPTER 874, "MOBILE FOOD VEHICLES," OF THE BUSINESS REGULATION CODE; AND DECLARING AN EMERGENCY.

WHEREAS, in recent years, City staff has noticed an increase in the number of food truck operators seeking temporary special event permits for special events in the City; and

WHEREAS, City staff has drafted regulations specific to ensuring 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, this Council believes that enacting new Chapter 874, "Mobile Food Vehicles," of the Business Regulation Code of the Codified Ordinances of the City of Hudson, promotes the public health, safety and welfare of the City and its residents.

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

Section 1. New Chapter 874, "Mobile Food Vehicles," of the Business Regulation Code, of the Codified Ordinances of the City of Hudson be enacted to read as follows:

**"CHAPTER 874
Mobile Food Vehicles**

874.01 DEFINITIONS

As used in this chapter:

(a) "Mobile Food Vehicle" shall mean a food establishment that is located upon or within a vehicle, including but not limited to trucks, passenger vehicles, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. This definition does not apply to "meals on wheels" program vehicles, ice cream sales trucks or food delivery services.

(b) "Temporary Special Event" shall have the same meaning as set forth in Chapter 872, "Temporary Special Events."

~~(c) "Private Event" shall mean an outdoor gathering of persons on private property whether or not it is open to the public and at which a Mobile Food Vehicle is present."~~

874.02 LICENSE REQUIRED.

No person or entity shall operate a Mobile Food Vehicle within the City of Hudson without a license issued by the City Manager. A Mobile Food Vehicle license is required for each and every Mobile Food Vehicle.

874.03 APPLICATION.

(a) Whoever desires a license to operate a Mobile Food Vehicle shall make written application for a license ~~therefor~~ at the office of the City Manager on forms provided by the City Manager and correctly stating the following:

- (1) The name of the business and its owner or owners, the mailing address of the business, and the mobile telephone number of the operator.
- (2) Certification that the Mobile Food Vehicle has passed all necessary inspections required by the Summit County Public Health Department.
- (3) The make, model, year and current registered license number of the Mobile Food Vehicle.
- (4) Each operator of a Mobile Food Vehicle shall provide proof of general commercial liability insurance in an amount not less than one million dollars (\$1,000,000), which shall also insure, indemnify and save harmless the City from any and all judgments, costs, or expenses which the City may incur or suffer as a result of the issuance of a license to, and the activities of, the Mobile Food Vehicle.
- (5) Each Mobile Food Vehicle shall be inspected by the City of Hudson Fire Department on an annual basis prior to issuance of a license to ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes.
- (6) Upon payment by the applicant of a license fee of one hundred dollars (\$100.00) for each Mobile Food Vehicle to compensate for the cost incident to the issuance of the license, the City Manager shall issue to the applicant a license, valid from the date of issuance until April 15 of the following year. During the period of validity of the license, the license identification shall be displayed upon the motor vehicle in an unobscured, conspicuous place.

874.04 REGISTRATION REQUIRED REGULATIONS.

~~Each Private Event must be registered with the City Manager prior to its occurrence. A Private Event Registration may be issued upon application to the City Manager containing the date, time, location, and general description of the Private Event.~~

~~**874.05 REGULATIONS.**~~

(a) A Mobile Food Vehicle shall not operate on City-owned property or within the City public right-of-way unless authorized as part of a Temporary Special Event ~~or Private Event.~~

(b) ~~No operator of a~~ A Mobile Food Vehicle shall ~~park, stand or not~~ operate ~~a vehicle and conduct business~~ within five hundred (500) feet of a Temporary Special Event, unless ~~the license holder has been authorized to operate~~ approved as part of a Temporary Special Event ~~or Private Event~~ under Chapter 872, "Temporary Special Events," or any brick and mortar restaurant.

(c) 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 ~~or Private Event Registration.~~

(d) 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) 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.

(f) Mobile Food Vehicles shall not be permitted free-standing temporary signage except one menu board, with a maximum size of six (6) square feet, placed adjacent to the Mobile Food Vehicle.

(g) 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) 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 Summit County Public Health Department and the State of Ohio.

(i) The City of Hudson 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.

(i) A separate application and permit are required for each Temporary Special Event ~~or Private Event~~ at which licensed Mobile Food Vehicles will operate.

874.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.”

Section 2. 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 3. 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 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: _____

David A. Basil, Mayor

ATTEST: _____

Elizabeth A. Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2016.

Elizabeth Slagle, Clerk of Council