

ORDINANCE NO. 2025 - 005

AN ORDINANCE AMENDING CHAPTER 315 TITLED "BLOCK PARTIES AND STREET ASSEMBLAGES, CHAPTER 316 TITLED "SPECIAL EVENTS-PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES, ETC" AND CHAPTER 744 TITLED "MOBILE FOOD UNIT REGULATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO UPDATE THE EVENT PERMIT PROCESS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to modify Chapter 315, titled "Block Parties and Street Assemblages", Chapter 316 titled "Special Events-Parades. Festivals. Carnivals, Public Assemblies, Etc." and Chapter 744 titled "Mobile Food Unit Regulations" of the Codified Ordinances to update the Event Permit process; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

SECTION 1. That Council does hereby amend Chapter 315, titled "Block Parties and Street Assemblages", Chapter 316 titled "Special Events-Parades. Festivals. Carnivals, Public Assemblies, Etc.", and Chapter 744 titled "Mobile Food Unit Regulations" of the Codified Ordinances to update the Event Permit process per Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: January 22, 2025
Date

Jerry T. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: January 22, 2025
Date

ATTEST: Kathleen Coleman
Kathleen Coleman
Interim Clerk of Council

I, KATHLEEN COLEMAN, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2025-005, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON January 22, 2025.

(SEAL)

Kathleen Coleman
KATHLEEN COLEMAN
INTERIM CLERK OF COUNCIL



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: December 30, 2024

TO: Dave Ruller, City Manager

FROM: Eric Helmstedter, Economic Development Director *EH*

RE: Event Permit Process Recommendations

At the June 5, 2024 Committee meeting, City Council instructed the administration to complete a comprehensive evaluation of the existing event permit process and to identify recommendations for updating the event permit application and any proposed amendments to the Kent Codified Ordinances that will be needed as a result of the changes to the event permit application.

The administration has completed its evaluation and met with local community organization stakeholders including the Jaycees, Kent Area Chamber of Commerce, and Main Street Kent, for input on the proposed changes to event permitting. I am respectfully requesting time at the January 8, 2025 Council Committee meeting to present the recommended updates to the event permit application and the proposed amendments to the KCO in greater detail and to request Council authorization, with emergency, to proceed with the event permit process updates.

If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

Attachments

cc: Bridget Susel, Community Development Director
Hope Jones, Law Director
Kathy Coleman, Interim Clerk of Council
Dominique Bollenbacher, Community Engagement Coordinator

CITY OF KENT SPECIAL EVENT PERMIT APPLICATION

This application is used for events held on public property within the City of Kent. This application must be submitted at least 60 days prior to the event, but no sooner than one year prior to the event. Acceptance of your application is not a final approval or confirmation of your request.

NAME OF EVENT: _____
EVENT DATE & TIME: _____
EVENT LOCATION(S): _____
EVENT PROCEEDS BENEFICIARY: _____

APPLICANT INFORMATION

Organization Sponsoring Event: _____

Is it Nonprofit: YES NO

If so, provide documentation certifying tax exempt, nonprofit status with this application.

Applicant Name: _____ Title/Position: _____

Mailing Address _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Name(s) and phone number(s) of person(s) responsible during the event: _____

Event Website (if applicable): _____

EVENT INFORMATION

Type of Event or Special Activity: _____ (ex. Parade, 5k, Festival, etc.)

Provide a detailed description of the Event (please attach flyer or additional sheet if needed): _____

REQUESTED PERMIT TIME: Start set up: _____ Start event: _____
End event: _____ End cleanup: _____

Anticipated attendance: _____

Has this Event ever been held in the past: YES NO

If so, provide documentation detailing the previous event location, date, and number of attendees.

Admission charged: YES NO If so, list the amount of the admission or participation fee: \$ _____

Who will receive the proceeds: _____

EVENT COMPONENTS

Check **all** boxes that apply to your event.

- | | | |
|--|---|---|
| <input type="checkbox"/> Alcohol Sales | <input type="checkbox"/> Clean Up/Litter Management | <input type="checkbox"/> Electric |
| <input type="checkbox"/> Fireworks | <input type="checkbox"/> Food Vendors | <input type="checkbox"/> Handwashing Facilities |
| <input type="checkbox"/> Generators | <input type="checkbox"/> Music/Sound Amplification | <input type="checkbox"/> Portable Toilets |
| <input type="checkbox"/> Pyrotechnics | <input type="checkbox"/> Street Closures | <input type="checkbox"/> Tents |
| <input type="checkbox"/> Vendors (Merchandise/Service) | <input type="checkbox"/> Vendors (Informational) | <input type="checkbox"/> Water |
| <input type="checkbox"/> Other: _____ | | |

ALCOHOL SALES (if checked above)

Name of applicant/licensee: _____

A copy of the Ohio Department of Commerce, Division of Liquor Control Approval/Permit must be provided to the City prior to the event.

CLEAN UP/LITTER MANAGEMENT

Applicant is responsible for all trash/litter, grease, damages, ash, and gray water generated by an event.

Describe how you will clean the site generated by the event: _____

A \$100 deposit is required to ensure that the event area is cleaned to pre-event conditions. Refund of deposit is at the discretion of the City, based upon the appearance of the event area once it has been cleaned.

ELECTRIC & WATER SERVICE

Does your event require use of City electric: YES NO

If so, please explain: _____

Outdoor extension cords must be 3-prong, with proper grounding and rating approved for outdoor use.

Does your event require use of City water: YES NO

If so, please explain: _____

MUSIC/SOUND AMPLIFICATION

Describe any music and/or amplifying equipment that is part of your event: _____

The number and location of stages, number of bands/performers, and a schedule indicating the times and location of bands/performers must be submitted with the application.

PORTABLE RESTROOMS/HANDWASHING FACILITIES

Applicant is responsible for providing any portable restrooms and handwashing facilities needed to accommodate your event attendees and participants. Portable restroom suppliers can assist you with determining the quantity needed for your event.

Name and phone number of company supplying the portable restrooms and handwashing facilities: _____

Number of portable restrooms: _____ Number of handwashing facilities: _____

Delivery date and time: _____ Post event removal date and time: _____
Attach a copy of the contract showing proof of the Portable Restroom suppliers' liability insurance.

STREET CLOSURES

Does your event require street closure(s): YES NO

If yes, what street(s) (include specific boundaries with street addresses, use additional pages if necessary): _____

The Service Director will determine the amount and location of barricades and cones required for your event. Applicant may be required to pick up and return the barricades and cones. Barricades and cones may be picked up/returned to the Service Administration Complex, 930 Overholt Road. A \$100 deposit is required to ensure that the barricades and cones are returned in good condition. Refund of deposit is at the discretion of the City based upon condition of the barricades and cones. Additional fees may be incurred should City staff be required to be present for the event.

TENTS

Name and phone number of company supplying the tents: _____

Number of tents and size of each: _____

Method in which tent(s) will be secured: _____

Tents may require a permit and must comply with Ohio Fire Code, Ohio Building Code. Tents may also require liability insurance. Applicant is responsible for reviewing said codes and attaching a copy of the contract showing proof of the Tent supplier's liability insurance. Tent(s) may not be secured in any manner that is damaging to City property.

VENDORS/FOOD SALES

Number of Food Vendors: _____ Number of Merchandise/Service/Informational Vendors: _____

Applicant is required to submit a Vendor List with this application indicating all vendors who will participate in the event. The Vendor List must indicate what each vendor will do, sell, demonstrate, cook (including cooking method), make, hand out, etc.

SITE PLAN

All applicants are required to submit a detailed site plan for all events. Please attached a detailed site plan of your event that clearly indicates the names of all streets or areas that are part of the event footprint, and includes the locations of entrances and exits, food vendors, hand washing facilities, portable restrooms, signage, trash receptacles (not including City trash receptacles) tents, and vendors. Parade/Race applicants should include a map, which clearly indicates the names of all streets or areas, and directions of the proposed route.

COMMUNITY IMPACT

Will the normal operations of residents and businesses be affected by your event: YES NO

If so, please explain: _____

For events with any street closure(s), the applicant must attach a copy of the proposed pre-event information. The City of Kent Community Development Department will provide the applicant with a list of affected residents and businesses resulting from any street closure(s). It is the responsibility of the applicant to provide all listed residents and businesses with a copy of the proposed pre-event information and written notification of any street closure(s) by hand delivery or First Class U.S. Mail.

By signing this application, I am certifying that I have received a copy of the rules and regulations of Chapter 316 of the Codified Ordinances of the City of Kent, and I fully understand that should the permit be approved, it can be revoked if any of the provisions of this Chapter are violated.

Applicant Name Applicant Signature Date

FOR OFFICIAL USE ONLY. DO NOT WRITE BELOW THIS LINE

On _____ this application was sent for review to the following Departments: Fire, Health, Police, Safety, and Service.

Application Status: APPROVED DENIED

Memorandum Agreement Required: YES NO

Proof of insurance reviewed and approved by the Law Director: YES NO

Law Director

Date

ACKNOWLEDGEMENT

COST AND DAMAGES

I understand that the application fee of \$100 is due upon submission to the City of Kent. I understand that for events held in the South Water Street Parking lot, the \$100 application fee will be waived. I understand that all fees associated with my event are due upon approval of my event and before a permit will be issued. I understand that additional restitution for any damages incurred during use will be my responsibility.

Initials and Date

CERTIFICATE OF INSURANCE/INDEMNIFICATION/RISK INFORMATION

Once an Applicant receives approval for their event, the Permit holder must furnish a certificate of insurance, in an amount of no less than one million dollars (\$1,000,000), explicitly releasing the City of Kent from all liability relating to the event and naming the City of Kent as an additional insured party for the respective event. This certificate must be provided to the City at least twenty (20) days prior to the event.

I agree to indemnify and hold harmless the City of Kent and its agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the Special Event.

Initials and Date

ADDITIONAL FEES

I understand that upon review, and based on the information supplied in this application, it may be determined that my event requires the use of additional City resources, including, but not limited to: Police, Fire, Service, and Health Department personnel and/or equipment. Further information may be requested to make this determination. I understand that there may be additional fees associated with these services which will be my responsibility. I understand that additional fees associated with my event must be paid at least twenty (20) days prior to the event.

Initials and Date

CITY LOGOS

I understand that I am expressly prohibited from the use of the City of Kent's identifying marks without first obtaining written approval from the City.

Initials and Date

APPROVAL

I understand that this application is to request the use of City property, and submission of this application does not guarantee event approval. I understand that approval is based upon the description of the event in the application, and if changes to the event occur that are not stipulated in the original application, they must be submitted in writing for consideration. I understand that all requests must be approved by the City of Kent.

Initials and Date

APPLICANT CHECKLIST

Please use this checklist to ensure that all your supporting documents are submitted for review. Applicant Certificate of Insurance *must* have the City of Kent listed as an additional insured. Note that this is a general checklist, and there may be some items not applicable to your event.

- Completed Application Form
- Documentation certifying tax exempt, non-profit status
- Band/Performer Schedule
- Portable Restroom Supplier's Contract Documenting Liability Insurance
- Tent Supplier's Contract Documenting Liability Insurance
- Vendor List
- Site Plan
- Community Impact Pre-Event Information
- Completed Affected Residents and Businesses Approval Petition
- Applicant Certificate of Insurance (\$1,000,000 minimum)
- Fee and deposit check(s) – must be made payable to City of Kent
 - Application fee
 - Barricade/Cone deposit
 - Clean Up deposit

CHAPTER 315

Block Parties and Street Assemblages

315.01 Definitions.

315.02 Participation in an unlawful block party or street assemblage.

315.03 Permits.

315.04 Revocation of permit.

315.05 Bonds.

CROSS REFERENCES

Disturbing a procession or gathering - see GEN. OFF. 509.04

315.01 DEFINITIONS.

(a) "Block party" means any willful gathering of two or more persons, within a residential neighborhood, which gathering blocks, hinders or impedes the normal flow of vehicular and/or pedestrian traffic on any public street, sidewalk or tree lawn, with the exception of the following:

(1) Any gathering of law enforcement officials, firefighters or other public officers and employees while such persons are acting in the course of their official duties;

(2) Any gathering of persons outside of residential areas as defined in Chapters ~~1127 to 1139~~ 1103 of the Zoning Code, as amended;

(3) Any gathering of persons caused by any vehicular accident, fire, injury to person or property or other catastrophe;

(4) Any gathering of persons who are participating in or observing a lawful parade;

(5) Any auction, house or garage sale so long as vehicular traffic is not blocked or impeded;

(6) Any gathering of persons who are lawfully engaged in the construction, removal, repair, alteration, improvement or maintenance of any roadway, street, utility right of way or

easement, sidewalk, tree lawn, sewer or water line, gas line, electric, telephone or cable television line, utility pole or street light; and

(7) Any gathering of four or fewer persons who are engaged in any other lawful business or commercial activity.

(b) "Street assemblage" means any willful gathering of persons for less than three hours, which does not include sales of goods, food items, or other monetary actions, and which is outside a residential district. "Street assemblage" does not include parades or special events as described in Chapter [316](#) of these ordinances.

(c) "Permit" means a block party permit or street assemblage permit issued by the City Manager or his/her designee pursuant to the provisions of this chapter.

(d) "Affected area" means that portion of a street, alley or roadway, as measured from intersection to intersection, intersection to dead-end or intersection to cul-de-sac as the case may be, which is the site of any block party or street assemblage or any intended or planned block party or street assemblage. When determining the extent of an affected area it shall be necessary to determine the furthestmost point of intersection or intersections of the area where vehicular and/or pedestrian traffic is or will be blocked, hindered or impeded in any way with the area or areas where such traffic will not be so blocked, hindered or impeded. The areas between such intersections or between such intersection and a dead-end or cul-de-sac is an affected area.

(e) "Affected property" means any parcel of land, any part of which borders on any affected area, as such is defined in subsection (d) hereof.

(f) "Affected property owner" means an adult who owns in an affected area. For purposes of proving ownership under this section the identification of ownership as shown on the tax map maintained by the Portage County Tax Map Division of the County Engineer's Office shall be conclusive as of the time when an application for a permit is made.

(Ord. 2005-59. Passed 6-15-05.)

315.02 PARTICIPATION IN AN UNLAWFUL BLOCK PARTY OR STREET ASSEMBLAGE.

(a) No person shall knowingly or recklessly participate in any block party or street assemblage for which a permit has not been obtained. Any notice given in any reasonable manner by a police officer, either in person or over the public address system of a marked police car, advising such person, directly or indirectly, that a block party or street assemblage in which such person is participating is unlawful because a permit for such

party or assemblage has not been obtained, shall constitute adequate notice to such person that his or her continued participation in such block party or assemblage is unlawful. It shall not be a defense to a prosecution under this section that the defendant was intoxicated at the time the foregoing notice was given to him/her.

(b) No person shall knowingly or recklessly participate in any block party or street assemblage after the permit for such party or assemblage has been revoked in accordance with the provisions of this chapter. Any notice given in any reasonable manner by a police officer, either in person or over the public address system of a marked police car, advising such person, directly or indirectly, that a block party or street assemblage in which such person is participating is unlawful because a permit for such party or assemblage has been revoked, shall constitute adequate notice to such person that his or her continued participation in such block party or assemblage is unlawful. It shall not be a defense to a prosecution under this section that the defendant was intoxicated at the time the foregoing notice was given to him/her.

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (Ord. 1979-90. Passed 5-23-79.)

315.03 PERMITS.

(a) The City Manager or his/her designee shall issue a permit for a block party upon proper application on such forms as he/she shall furnish for such purpose so long as each and every one of the following requirements is met:

(1) Applicant has deposited in accordance with Section [315.05\(a\)](#), a bond with the City Manager's office.

(2) No more than thirty days or less than ten days (or less if reasonable time is available to arrange city services to meet the permitted use) before the date of the planned block party applicant has submitted on such forms as are furnished by the City Manager for such purpose, a petition requesting the issuance of a block party permit for a specific date and time and bearing the signatures of affected property owners of seventy percent or more of the residences in affected area and affirms by affidavit that each such signature is genuine and that of an affected property owner to the best of applicant's knowledge;

(3) The application clearly identifies the site of the planned block party and all points at which barricades are to be erected and staffed by the sponsor or a co-sponsor to ensure emergency access;

(4) The application clearly states the date and time at which the planned block party is to begin, which time shall not be earlier than 10:00 a.m. and the time when the planned

block party will end, which time shall be no later than fifteen minutes before sunset, as determined by the National Weather Service; and

(5) The planned block party will not, in the opinion of the City Manager or his/her designee present a substantial risk of harm to persons or property if held at the location, date and times requested.

(b) The City Manager or his/her designee shall issue a permit for street assemblage upon proper application therefor on such forms as he/she shall furnish for such purpose so long as each and every one of the following requirements is met:

(1) Applicant has deposited in accordance with Section [315.05\(a\)](#), a bond with the City Manager's Office.

(2) No more than thirty days or less than ten days before the date of the planned street assemblage applicant has submitted written application which clearly identifies the site of the planned street assemblage and all points at which barricades are to be erected and staffed by the sponsor or a co- sponsor to ensure emergency access;

(3) The application clearly states the date and time at which the planned street assemblage is to begin, which time shall not be earlier than 7:00 a.m. and the time when the planned street assemblage will end, which time shall be no later than 2:00 a.m.;

(4) The planned street assemblage will not, in the opinion of the City Manager or his/her designee present a substantial risk of harm to persons or property if held at the location, date and times requested.

(5) Every block party or street assemblage permit issued pursuant to this chapter shall contain the following information:

(a) The name of the applicant;

(b) The applicant's residential and business addresses and telephone numbers;

(c) The date and times for which the permit is valid;

(d) The place for which the permit is valid along with the locations of all barricades;

(e) An estimate of the number of participants expected to attend;

(f) A statement signed by the applicant and acknowledging the fact that the permit can be revoked pursuant to the provisions of Section [315.04](#) and if the permit is for a block party, that the bond posted pursuant to subsection (a)(1) hereof can be forfeited in accordance with the provisions of Section [315.05](#).

(g) An explanation of how the return of any moneys posted as bond pursuant to subsection (a)(1) hereof can be requested.

(Ord. 2005-59. Passed 6-15-05.)

315.04 REVOCATION OF PERMIT.

(a) Any permit can be revoked by the City Manager, or if he/she is not present, by the ranking police officer on duty upon the happening of any one or more of the following events:

(1) Any expansion of the block party or street assemblage beyond the affected area regardless of whether such expansion is known or approved by the permit holder;

(2) Any acts of vandalism, littering, disorderly conduct or criminal activity by any of the participants in a block party or street assemblage regardless of whether the perpetrators of such acts are apprehended; or

(3) Any other acts or circumstances, lawful or unlawful which, in the opinion of the City Manager or the ranking police officer on duty, create a substantial risk of injury to person or property.

(b) If a permit is revoked the fact of such revocation shall be given to all participants and persons in or near the affected area by announcing such fact over the public address system of any marked police car or by any other manner reasonably calculated to **effect** **affect** such notice. It shall not be necessary to give notice of relocation to the permit holder except insofar as such permit holder may be a participant in the block party or street assemblage.

(Ord. 1979-90. Passed 5-23-79.)

315.05 BONDS.

(a) The one hundred dollars (\$100.00) bond required by Section [315.03\(a\)\(1\)](#) OR (b)(1) shall be paid by cash, certified check, cashier's check or money order which shall be deposited with the City Manager's Office who shall acknowledge receipt thereof and deposit the bond with the Director of Finance. Said bond may be waived by the City Manager in case of proven indigency.

(b) Amounts deposited pursuant to this chapter shall earn no interest for the depositor while such moneys are on deposit with the Director of Finance.

(c) Bonds held pursuant to this chapter shall be returned only to the person to whom the original receipt for deposit was given upon such person making application for the refund in

person at the offices of the Director of Finance, who shall refund such deposit within five working days upon presentation by the applicant of each and every one of the following:

(1) The original receipt given on behalf of the Director of Finance when the bond was posted, which receipt must also bear the signature of the City Manager or his/her designee and an acknowledgment by the City Manager or his/her designee that such bond has not been forfeited pursuant to subsection (d) hereof. This receipt must be surrendered to the Director of Finance upon return of the original check or money order;

(2) Reasonable proof of identity; and

(3) A statement from the office of the City Manager approving the release of the funds.

(d) Amounts deposited as bond pursuant to subsection (a) hereof shall be forfeited to the City and deposited in the General Fund upon the happening of any one of the following events:

(1) Failure of the depositor to apply for a refund within five working days after the related permit has expired;

(2) Revocation of the related permit pursuant to the provisions of Section [315.04](#) upon written confirmation given to the Director of Finance by the City Manager or his/her designee of such revocation which confirmation shall include the reason for the revocation;

(3) Failure to return city property or equipment which may have been issued to the applicant for use at said event.

(4) The commission by any participant in the related block party of any act of disorderly conduct, vandalism, littering or other criminal act regardless of whether such participant is apprehended, as shall be verified in writing and given to the Director of Finance by the City Manager or his/her designee which verification shall identify the proscribed act or acts for which the aforesaid bond will be forfeited; or

(5) The finding of any litter on the affected area or any vandalism to public or private property on or near the affected area the morning after such party has been held, regardless of whether such acts of littering or vandalism have been witnessed or the perpetrators thereof apprehended, as shall be verified in writing and given to the Director of Finance by the City Manager or his/her designee which verification shall identify the proscribed act or acts for which the aforesaid bond will be forfeited.

(Ord. 1997-15; Passed 3-19-97.)

CHAPTER 316

Special Events - Parades, Festivals, Carnivals, Public Assemblies, Etc.

316.01 Definitions.

316.02 Permit required.

316.03 General considerations for issuance.

316.04 Rules, guidelines, conditions and requirements for issuance.

316.05 Revocation of permit.

316.06 Guidelines for marches, demonstrations, assemblies or picketing.

316.07 Bonds.

CROSS REFERENCES

Disturbing a procession or gathering - see GEN. OFF. 509.04

316.01 DEFINITIONS.

- (a) Carnival - An event requiring the closing of streets or the use of City right-of-way primarily for the purpose of mechanical rides, but also for other amusements, food vendors, or other for-profit ventures.
- (b) Festival - An event requiring the closing of streets or the use of City right-of-way for amusements, food vending, displays, and other entertainment activities, for which the primary purpose is community enjoyment **and charitable purposes**, and **is sponsored the applicant is by** a non-profit agency **for charitable purposes**.
- (c) Marches, demonstrations, assemblies or picketing shall be defined as an organized walk or procession or assembly by a group of people for a specific cause or issue, that takes place on sidewalks or public right of way, excluding streets, alleys, roads, thoroughfares or highways.
- (d) Parade - An event requiring the closing of streets or the use of City right-of-way for purposes of a procession of persons, groups, vehicles, animals, floats, and other conveyances.
- (e) Race - Any competitive or non-competitive event traversing a prescribed course, which includes city streets, highways or rights-of-way, which requires closing some or all of

the affected streets, to other traffic, or requires dedication of safety personnel for control or direction.

(f) Public Assembly - An event requiring the closing of streets or the use of City right-of-way for the purposes of assembly of persons for more than three hours.

(g) Special event - Any carnival, festival, parade, race, public assembly, or other event occurring on city streets, property or right-of-way, excluding city property regulated by the Department of Parks and Recreation, for which a permit is required by the provisions of this chapter.

(h) "Permit" means a Special Event Permit issued by the City Manager or his/her designee pursuant to the provisions of this chapter.

(i) "Affected area" means that portion of a street, alley or roadway, as measured from intersection to intersection, intersection to dead-end or intersection to cul-de-sac as the case may be, which is the site of any block party or street assemblage or any intended or planned block party or street assemblage. When determining the extent of an affected area it shall be necessary to determine the furthestmost point of intersection or intersections of the area where vehicular and/or pedestrian traffic is or will be blocked, hindered or impeded in any way with the area or areas where such traffic will not be so blocked, hindered or impeded.

The areas between such intersections or between such intersection and a dead-end or cul-de-sac is an affected area.

(j) "Affected property" means any parcel of land, any part of which borders on any affected area, as such is defined in subsection (d) hereof.

(k) "Affected resident" mean an adult who leases or owns affected property and resides thereon. For purposes of proving ownership under this section the identification of ownership as shown on the tax map maintained by the Portage County Tax Map Division of the County Engineer's Office shall be conclusive as of the time when an application for a permit is made. For purposes of proving a leasehold interest under this section it shall be necessary to produce a valid written lease wherein the alleged affected resident is clearly identified by name as a lessee thereunder or a signed letter from the owner of the affected property in which letter the alleged affected resident is clearly identified by name as a lessee under an oral lease of such property.

(l) "Sponsor" "Applicant" shall mean a legally responsible representative or entity, adult, who may be a representative of an organization, who is capable of meeting all requirements of this chapter.

(m) "Animal" shall mean any dog, cat, domestic animal, or other animal.

(Ord. 2006-45. Passed 4-19-06.)

316.02 PERMIT REQUIRED.

(a) No person, group of persons or organization shall conduct or participate in any special event upon any street or highway or right-of-way, without first obtaining a permit from the City Manager.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary consistent with this chapter to a fair determination of whether a permit should be issued. Applications shall be filed not less than **thirty sixty** days before the time intended for such **parade or procession special event**. An application fee of \$100.00 shall be due and payable to the city at such time as an application for a permit is filed with the City. **Applicable bonds must be deposited with the City Manager's Officer in accordance with Section 316.07 prior to the issuance of an approved permit.** The permit may be refused or canceled if:

(1) The time, place, size or conduct of the special event including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.

(2) The special event would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.

(3) The special event route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.

(4) The special event would unreasonably interfere with **other scheduled civic events,** or another event for which a permit has been issued.

(5) The information contained in the application is found to be false, misleading or incomplete in any material detail. An emergency such as a fire or storm would prevent the proper conduct of the event.

The permit or any order or memorandum accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

(b) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (Ord. 2006-45. Passed 4-19-06.)

316.03 GENERAL CONSIDERATIONS FOR ISSUANCE OF SPECIAL EVENT PERMITS.

(a) Special event permits for periods of greater than three hours duration shall be reviewed and approved by the City Council.

(b) Applications for special event permits shall be made not greater than one year in advance, nor less than **thirty six** days in advance **of the date of the event listed on the special event permit application.**

(c) Special event permit applicants shall meet with the City Manager or his/her designate to develop a plan which will comply with all mandatory provisions of this chapter. Said meeting shall be held sufficiently in advance to provide for review and approval by the City Council. Said plan will not be approved and binding until final City Council approval.

(d) The plan developed through said meeting shall consider all criteria identified in the provisions of this chapter, and shall be reduced to writing in the form of a Memorandum of understanding, to be forwarded with all other required documents for City Council review.

(e) Parades or events of less than three hours duration shall be similarly reduced to a memorandum of understanding, but will not require City Council approval if the event has been conducted in previous years, and does not require a substantial dedication of city resources, equipment, or personnel.

(f) Any event **in** which **the applicant** is **sponsored by** a for-profit organization shall be presented for City Council approval, and all expenses of the city in support of the event shall be paid by the **sponsor applicant**. City costs of for-profit events by non-profit organizations shall be paid by the **sponsor applicant**. City costs of events which have a coordination of for-profit and non-profit vendors and/or booths, rides, or attractions may be split equally between the city and the **sponsor applicant**. City costs of non-profit events by non-profit organizations with only non-profit vendors may be paid by the city. Non-profit status shall require provision of documentation **and financial statements certifying tax exempt, non-profit status**. A determination of the city's share of additional expenses brought about by the issuance of a special event permit shall be determined by City Council at the time the event is brought before it for approval.

(g) The City Council may require any other reasonable conditions beyond those provided for in any memorandum of understanding which it reasonably feels are necessary for the safe, efficient and proper use of city rights-of-way and other city resources.

(Ord. 2006-45. Passed 4-19-06.)

316.04 RULES, GUIDELINES, CONDITIONS AND REQUIREMENTS FOR ISSUANCE OF A SPECIAL EVENT PERMIT.

(a) Access to businesses and residences- The **sponsor applicant** shall ensure reasonable access to businesses and residences within the affected area of the special event.

(b) Alcoholic beverages – **Sponsors Applicants** of events which propose the consumption of alcoholic beverages within the affected area of the event shall meet the following guidelines:

~~(1) City Council approval will be required, with waiver of the "Open Container" ordinance.~~

~~(2) (1)~~ An "F" liquor permit will be required from the State of Ohio, which will be the responsibility of the **sponsor applicant** to obtain and submit a copy to the city prior to the event.

~~(3) (2)~~ The **sponsor applicant** will present a plan to limit accessibility of alcoholic beverages to underage people and excessive drinkers.

~~(4) (3)~~ The **sponsor applicant** shall specify and agree to limited hours of availability of alcoholic beverage.

~~(5) (4)~~ The **sponsor applicant** will identify and contain a specific area in which consumption of alcoholic beverage may be consumed.

~~(6) The sponsor or alcoholic beverage vendor will obtain "liquor liability" insurance for the event, to the satisfaction of the Law Director.~~

(c) Anti-Discrimination Provisions - Use of the city streets and right-of-ways may not discriminate for or against a given class of people.

(d) Fire Prevention/Suppression - Applicants **and sponsors** will be required to meet the following guidelines:

(1) Any vendors who utilize cooking or other heating equipment shall have a fire extinguisher with a minimum rating **that meets the specified standards required by the Ohio Fire Code, as amended, of 2A10BG** available at all times.

(2) A clear fire lane shall be maintained throughout the course of the affected area.

(3) Gasoline powered generators may be permitted, but gasoline storage on site shall be limited to five gallons which shall be stored in a UL approved container.

(4) Use of tents, or canopies, etc. of greater than 900 square feet in size, or to be used above or in close proximity to open flames, cooking grills, or other flammable agents, shall be by may require a permit issued by the fire department, or the building department, and shall be consistent with meet the specified standards required by the Ohio Fire Code and Ohio Building Code, as amended.

(e) Food Vendors - Food vendors shall be licensed and inspected by the Kent City Health Department. A list of all food vendors and their proposed food items must be submitted at least fourteen days prior to the event, to be reviewed for licensing and health provisions.

(f) Health and Sanitation - The sponsor applicant of events of greater than three hours duration shall meet the following guidelines:

(1) Temporary comfort facilities Portable restrooms (Port-a-potties) shall be provided in a number sufficient for the anticipated crowd.

(2) The sponsor applicant shall provide or make arrangements for hand washing and sanitary provisions for all food providers in proximity to the area where food is to be sold.

(3) The sponsor applicant shall provide proper receptacles for the disposal of grease, fat, and other cooking residue, if applicable.

(4) The applicant shall provide proper receptacles for the disposal of trash.

(g) First aid for events which last longer than three hours, the sponsor applicant shall provide, or make arrangements to provide a first aid station to the satisfaction of the fire chief or his/her designee.

(h) Hours - The sponsor applicant shall identify the intended hours of operation of the special event, as well as the necessary hours for set-up and clean-up. Weekend events shall be cleaned up in sufficient time to provide no impact on the next-following business day in the affected area.

(i) Insurance – Sponsors Applicants shall carry general liability and products/completed operations insurance with policy limits of at least one million dollars (\$1,000,000) combined single limit coverage for each occurrence and in the aggregate. The insurance shall specify coverage for all activities of the sponsor applicant, as well as the activities of their vendors and event providers, except where specific insurance certificates are provided by the event providers or vendors. The City of Kent shall be named as an Additional Insured on all policies of insurance. Proof of this insurance shall be provided to

the City Manager's office, and approved by the Law Director, prior to the final issuance of the special event permit. Said certificates must be delivered to the City Manager thirty (30) days prior to the event shall require thirty (30) day cancellation notice. Additional insurance which may be required, and if applicable, shall also meet the above requirements.

Examples of additional insurance shall include:

Tents--Liability insurance carried by the tent supplier.

Portable restrooms--Liability insurance carried by the portable restroom supplier.

Mechanical rides--Liability insurance carried by the ride operator.

Liquor liability insurance--In situations in which alcoholic beverages are permitted.

Fireworks Displays---Liability insurance carried by the licensed fireworks display company.

If available, the insurance shall be issued by a State of Ohio admitted insurance carrier, and if not available, it must be approved by the City Manager. All proof of insurance required by this chapter shall be reviewed and approved by the Law Director prior to issuance of the special event permit.

(j) Mechanical Rides – Sponsors Applicants shall submit a plan for proposed location of mechanical rides at least fourteen days prior to the event. Location will be subject to approval of the city engineering department based on possible impact on city infrastructure. Mechanical ride operators shall provide only rides which have been inspected and approved by the State of Ohio, and may be subject to further inspection by city inspectors. State inspection certificates shall be available upon request. Mechanical ride operators shall provide for all necessary equipment to protect the city's streets and facilities from damage, but any damage which may occur will be the responsibility of the sponsor applicant to repair. Mechanical ride operators will be required to show proof of insurance which further indemnifies the city.

(k) Neighborhood Approval - For events of greater than three hours, which are not a continuation of events from previous years, the sponsor applicant shall conduct a survey of the residents and businesses in the affected area. The survey shall be in the form of a petition requesting the issuance of a special event permit for a specific date and time and bearing the signatures of affected residents of seventy percent or more of the affected area and affirms by affidavit that each such signature is genuine and that of an affected resident to the best of applicant's knowledge. For events which are a continuation of events from previous years, the The applicant shall provide with its special event permit application a community impact pre-event information sheet which the applicant will disseminate to residents and businesses in the affected area.

(l) Noise Limitations - City standards for noise will apply to special events as they may affect surrounding residential neighborhoods as defined in Codified Ordinance Chapters 1127 to 1139 Exempt under 509.12(h).

(m) Pavement Protection - Vendors whose activities create residue which may effect affect the streets or sidewalks shall use sand and/or Stay-Dry to prevent damage. Failure to do so which results in damage, or failure to properly clean the area after use will result in costs assessed to the sponsor applicant.

(n) Permits, Special - Special permits in addition to the general Special Event Permit may be required as indicated elsewhere in these requirements. Examples include; liquor permits, mechanical ride permits, fireworks permits, Fire Code permits. Others may be applied as may be indicated by the nature of the event. All required permits must be submitted at least fourteen days in advance of the special event.

(o) Security - Security requirements will be reviewed with the police department upon application for the special event permit, but not later than fourteen days prior to the event. A meeting may be held to determine the number of personnel required, the general duties, special responsibilities, and security during non-active hours if the event lasts more than one day. The final decision on necessary levels and types of security shall be based on a recommendation of the police chief. Costs may be assigned as defined in Section 316.03(f) of this chapter.

(p) Site Plan – Event applications must include a detailed site plan for the proposed event, which clearly indicates the names of all street or areas that are part of the event footprint, and includes the locations of: entrances and exits, food vendors, hand washing facilities, portable restrooms, signage, trash receptacles (not including City trash receptacles), tents, and vendors, at the time the special event permit is submitted. For parades/races, applicants shall submit a map, which clearly indicates all streets or areas, of the proposed route, at the time the special event permit is submitted.

(q) Street Closures – Street closures are subject to Council approval. The Service Director will determine the amount and location of barricades and cones required for street closures. The applicants may be required to pick up and return the barricades and cones from the Street Department. A bond of one hundred dollars (\$100) will be due and payable to the City at such time as an application for a permit is filed with the City. The deposit is refundable at the discretion of the City of Kent. Additional fees may be incurred should City staff be required to provide services for the event during outside of normal business hours.

(p) (r) Trash and Recycling - The **sponsor applicant** will be required to make arrangements for necessary trash containers, recycling containers, and central dumping point for the removal of all solid waste generated by the event. The **sponsor applicant** will also make arrangements for the removal of all food preparation residue and waste consistent with Health Department recommendations. **A bond of one hundred dollars (\$100) will be due and payable to the City prior to the issuance of an approved permit.**

(q) (s) Utility Services.

(1) Water can be made available from **designated access points on North Water St. between East Main St. and Portage St. metered access via fire hydrant throughout the special event area. The sponsor will be responsible to arrange for such access, if desired, through the city's Utility Billing Department. (Ord. 1999-22. Passed 2-3-99.)**

(2) Electric service is available in the downtown area **through a central access panel located in the alley between South Water St. and Franklin Ave., one-half block south of Main St.** The **sponsor applicant** will be responsible to provide electrical connection lines **to this panel**, following guidelines available from the **Deputy** Service Director/Superintendent of Engineering's office.

(Ord. 2002-106. Passed 11-6-02.)

(r) (t) Gambling - Gambling is prohibited in the area of a special event permitted by the City. Lawful gambling, in the form of non-profit, charitable raffles, may be conducted. If in doubt, it is recommended that the **sponsoring organization applicant** check with competent legal counsel on the legality of any proposed activity, and provide the city with such opinion at least fourteen days prior to the event.

(s) (u) Vendor Access - Vendors within the permit area shall be regulated by the **sponsor applicant**. Vendors not approved by the **sponsor applicant** shall not be permitted in the permit area. This restriction shall not apply to vendors on private property.

(t) (v) Waivers, Sporting Events -

(1) Every participant in a "Special Event" sporting event shall be required to sign a waiver of liability as to the City of Kent and the event **sponsor applicant(s)** for any injuries they may receive as a result of participation in said sporting event. Minors who wish to participate shall have their waiver(s) signed by their parent or guardian.

(2) The form of the waiver(s) shall be approved by the Law Director at least 15 days before the date of the event. (Ord. 1999-22. Passed 2-3-99.)

(u) (w) Permit holders shall be responsible for fulfilling ASCAP (American Society of Composers, Authors, and Publishers) requirements for any music played at a special event, including but not limited to reporting requirements. In addition, the permit holder shall be responsible for any costs charged to the city or the applicant by ASCAP for said event.

(Ord. 2002-128. Passed 12-11-02.)

(v) (x) (1) Permit holders shall provide notice of a prohibition on animals at any special event by including the following warning language within all signs, notices or advertising for the event, and signs prominently posted at all entry points to the event area. Said warnings shall read “No pets/animals are permitted within the Special Event area in violation of Sections 505.20 505.21 of the Codified Ordinances of the City of Kent”.

(2) This section shall not apply to animals owned by a public law enforcement agency and being utilized for law enforcement purposes, or if the animal is a trained service/assistance dog working for its owner.

(3) This section does not apply to animals the special event sponsor applicant has approved as a part of the special event as part of a ride, display or informational booth, and has specifically identified in the permit application process with the City of Kent pursuant to this Chapter.

(Ord. 2005-43. Passed 5-4-05.)

316.05 REVOCATION OF PERMIT.

(a) Any permit can be revoked by the City Manager or his/her designate, or if he/she is not present, by the ranking police officer on duty upon the happening of any one or more of the following events:

(1) Any expansion of the special event beyond the affected area regardless of whether such expansion is known or approved by the permit holder;

(2) Any acts of vandalism, littering, disorderly conduct or criminal activity by any of the participants in special event regardless of whether the perpetrators of such acts are apprehended; or

(3) Any other acts or circumstances, lawful or unlawful which, in the opinion of the City Manager or the ranking police officer on duty, create a substantial risk of injury to person or property.

(b) If a permit is revoked the fact of such revocation shall be given to all participants and persons in or near the affected area by announcing such fact over the public address system of any marked police car or by any other manner reasonably calculated to **effect** **affect** such notice. It shall not be necessary to give notice of revocation to the permit holder except insofar as such permit holder may be a participant in the special event.

316.06 GUIDELINES FOR MARCHES, DEMONSTRATIONS, ASSEMBLIES OR PICKETING.

(a) When marches, demonstrations, assemblies or picketing occur within the city rights-of-way upon any street or highway, the permit described in section [316.02](#) is required.

(b) No city permit shall be required for marches, demonstrations, assemblies or picketing, which do not take place on a street or highway within the city rights-of-way. No city permit shall be required for marches, demonstrations, assemblies or picketing that occur on a tree lawn or sidewalk, even though within the city rights-of-way. Notification of such an event must be given either to the City Manager's Office or the city police department.

(c) The following guidelines must be followed:

(1) No unlawful activities shall take place during an event.

(2) Activities shall not take place upon private property without the property owner's consent.

(3) Pedestrians shall be provided safe passage within the area of the event, including access to any adjacent private property.

(4) Vehicular traffic shall not be blocked from legal ingress or egress to private property.

(5) Participants shall obey all traffic regulations, such as pedestrian walkways, traffic signals, etc.

(6) Police shall be provided notice of the event if notice has not been given to the City Manager's Office, in order to provide for safety of the participants.

(d) Marches, demonstrations, assemblies or picketing may be ordered disbanded by the City Manager, his/her designate, or if he/she is not present, by a duly authorized police officer, if the event creates an imminent threat to the safety of the participants or other citizens in the immediate area, or if the event is in substantial non-compliance with the conditions in section(c) above.

(e) Failure to disperse when a proper order to do so has been lawfully issued may subject participants to arrest for violation of Failure to Disperse, City Ordinance [509.02](#).

(f) No actions by City Officials in enforcement of this ordinance shall be undertaken with a purpose to inhibit the exercise of freedom of speech.

316.07 BONDS.

(a) The one hundred dollar (\$100.00) bond required by Section 316.04(q) OR (r) shall be paid by cash, certified check, cashier's check or money order which shall be deposited with the City Manager's Office who shall acknowledge receipt thereof and deposit the bond with the Director of Finance. Said bond may be waived by the City Manager in case of proven indigency.

(b) Amounts deposited pursuant to this chapter shall earn no interest for the depositor while such moneys are on deposit with the Director of Finance.

(c) Bonds held pursuant to this chapter shall be returned only to the person to whom the original receipt for deposit was given upon such person making application for the refund in person at the offices of the Director of Finance, who shall refund such deposit within five working days upon presentation by the applicant of each and every one of the following:

(1) The original receipt given on behalf of the Director of Finance when the bond was posted, which receipt must also bear the signature of the City Manager or his/her designee and an acknowledgment by the City Manager or his/her designee that such bond has not been forfeited pursuant to subsection (d) hereof. This receipt must be surrendered to the Director of Finance upon return of the original check or money order;

(2) Reasonable proof of identity; and

(3) A statement from the office of the City Manager approving the release of the funds.

(d) Amounts deposited as bond pursuant to subsection (a) hereof shall be forfeited to the City and deposited in the General Fund upon the happening of any one of the following events:

(1) Failure of the depositor to apply for a refund within five working days after the related permit has expired;

(2) Revocation of the related permit pursuant to the provisions of Section 315.04 upon written confirmation given to the Director of Finance by the City Manager or his/her designee of such revocation which confirmation shall include the reason for the revocation;

(3) Failure to return city property or equipment which may have been issued to the applicant for use at said event.

(4) The commission by any participant in the related block party of any act of disorderly conduct, vandalism, littering or other criminal act regardless of whether such participant is apprehended, as shall be verified in writing and given to the Director of Finance by the City Manager or his/her designee which verification shall identify the proscribed act or acts for which the aforesaid bond will be forfeited; or

(5) The finding of any litter on the affected area or any vandalism to public or private property on or near the affected area the morning after such party has been held, regardless of whether such acts of littering or vandalism have been witnessed or the perpetrators thereof apprehended, as shall be verified in writing and given to the Director of Finance by the City Manager or his/her designee which verification shall identify the proscribed act or acts for which the aforesaid bond will be forfeited.

(Ord. 2006-45. Passed 4-19-06.)

CHAPTER 744

Mobile Food Unit Regulations

EDITOR'S NOTE: By Ordinance 2022-054, passed April 20, 2022, Kent City Council hereby authorizes an indefinite moratorium suspending the applicability of Ordinance No. 2022-004 titled Chapter 744 "Mobile Food Unit Regulations" to enable a reasoned discussion and consideration of desired amendments to that Ordinance. Any inspections by the Health and Fire Department required under any other ordinances or state laws are in no way affected by this moratorium.

744.01 Purpose.

744.02 Definitions; permit.

744.03 Scope of chapter.

744.04 Mobile food unit requirements.

744.05 Operation of mobile food units.

744.06 Non-compete.

744.07 City authorized special events.

744.08 Exemptions.

744.09 Enforcement.

744.10 Severability.

744.99 Penalty.

744.01 PURPOSE.

(a) The City of Kent recognizes and supports the vitality and activity that is created by outdoor business activities within the City and the benefit that mobile food services bring to the City and local businesses.

(b) The purpose of establishing these regulations is to create a pleasant and vibrant environment for local businesses, visitors and residents, to provide an opportunity for limited mobile food services operations at City and/or business or industrial properties, to

prevent the obstruction of pedestrian, bicycle and motor vehicle traffic, to ensure that adequate efforts are made to protect the health, safety and welfare of the public by requiring permits for mobile food units and to establish minimum requirements for the permitting operation of such units as defined by the Ohio Fire Code.

(Ord. 2022-004. Passed 1-19-22.)

744.02 DEFINITIONS; PERMIT.

When used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

(a) Mobile Food Unit shall mean any apparatus or equipment that is used to cook, prepare or serve food, and that routinely changes or can change location and is operated from a moveable vehicle, apparatus or other portable structure, including but not limited to motorized vehicles, trailers, hand propelled carts and tents.

(b) Limited Use Permit. Approval may be had by permit issued by the City Manager's Office made by the property owner or occupant or occupant and an approved Mobile Food Unit vendor. Limited Use Permits for Mobile Food Units shall limit permission to operate to five (5) days each week at a business location. Applications for Limited Use Permits may be made for periods of two (2) months at a time. Notwithstanding the provisions of this Chapter, Kent residents/businesses that have a one-time food truck at their home/business for a private party/catered event are not required to file for a permit and are exempt from this chapter. Home Owner or occupant Associations and Condominium Owner or occupant Associations using its' own private property for Mobile Food Units for the enjoyment of its members are likewise exempt from the provisions of this chapter.

(Ord. 2022-004. Passed 1-19-22.)

744.03 SCOPE OF CHAPTER.

The owner or occupant of a Mobile Food Unit, as defined by the Ohio Fire Code, may submit an application, signed by the property owner or occupant or occupant authorizing the use of the location, and obtain a Limited Use Permit from the City of Kent City Manager's Office prior to operating in the City of Kent. A Mobile Food Unit may not operate on property within the City unless it has passed a Fire Department and Health Department inspection and obtained a Limited Use Permit.

(Ord. 2022-004. Passed 1-19-22.)

744.04 MOBILE FOOD UNIT REQUIREMENTS.

(a) Each Mobile Food Unit shall contact the Kent Fire and Health Departments to schedule an inspection. Inspections shall be conducted at a cost of fifty dollars (\$50.00) for both inspections which will be valid for one year. Applicants should apply for a permit not less than one week before operating. The City's Fire and Health Departments will approve or deny the application before the expiration of that week. If the permit is denied applicant may file an appeal pursuant to Section [745.05](#) of the Kent Codified Ordinances.

(b) The Chief or designee of the Kent Fire Department will schedule the inspection of the said Mobile Food Unit in conjunction with the Health Department, and conduct the inspection pursuant to the Ohio Fire Code, Ohio Health Code and the Kent Codified Ordinances.

(c) The application fee for a Limited Use Permit shall be fifty dollars (\$50.00) for up to a two (2) month permit to a maximum of three hundred dollars (\$300.00) per year as long as the permits are for the same location each time. All permits are valid for the dates and months issued.

(d) Mobile Food Units are required to maintain the following certifications: Board of Health approved license to sell food; documentation that the LP gas tank and piping system (where applicable) has been inspected and tested in accordance with all required standards within the last twelve (12) months; and proof of insurance. Additional required documentation may include other certifications or federal, state or local licensure depending on the type of operation being conducted. Documentation must be provided to the Fire Chief, Assistant Fire Chief or designee at time of inspection.

(e) During the inspection, the owner or occupant or responsible party shall be present to show, operate, explain and discuss the components of the Mobile Food Unit.

(f) Upon completion of the inspection, the owner or occupant or responsible party will be issued a fire safety inspection report detailing the findings of the inspection.

(g) A fire safety inspection report indicating Passing in all fields will be accompanied with an inspection permit which will indicate that the Mobile Food Unit has been permitted and inspected.

(h) A fire safety inspection report indicating Fire Code deficiencies will require the owner or occupant or responsible party to take specific action or actions to bring their Mobile Food Unit up to the specified standards required by the Ohio Fire Code and the Kent Codified Ordinances. Upon completion of the actions or repairs to the Mobile Food Unit, the owner or occupant or responsible party can then schedule a re-inspection with the Fire

Chief or designee to show compliance with the original inspection report deficiencies. A re-inspection will require the payment of the full fee as was required for the first inspection.

(i) Upon successful reinspection, the Mobile Food Unit will be issued a record of inspection to indicate compliance of the Mobile Food Unit.

(j) On-site inspections may be performed by authorized Health and Fire Department officials/members at their discretion any time the Mobile Food Unit is operating in Kent's jurisdictional boundaries.

(k) The City reserves the right at all times to require a Mobile Food Unit to relocate to alternate location or cease to operate as determined by the enforcement official if the approved location needs to be used for emergency purposes or other public benefit or if in the opinion of the enforcement officer the Mobile Food Unit presents a safety hazard to the public.

(l) Mobile Food Units shall adhere to all applicable parking regulations for commercial vehicles.

(m) Mobile Food Units shall display the Permit prominently during all times of operation. (Ord. 2022-004. Passed 1-19-22.)

744.05 OPERATION OF MOBILE FOOD UNITS.

(a) Operation Without Limited Use Permit. No Mobile Food Unit shall be operated without a valid Mobile Food Unit Limited Use Permit issued pursuant to this Chapter.

(b) Unattended Vehicles Prohibited. No Mobile Food Vehicle shall be parked on the street overnight, or left unattended or unsecured at any time food is kept in the Mobile Food Unit. The owner or occupant or operator of any Mobile Food Unit found to be in violation of this subsection may be charged with a violation of this chapter.

(c) A Mobile Food Unit may be located within any zoning district except Residential Districts. A Mobile Food Unit found at an unauthorized location, or beyond the dates, times, or hours permitted, shall be in violation of this section and may be subject to enforcement under Section [744.99](#).

(d) Any property owner or occupant that permits a Mobile Food Unit to operate or park on the property without permit shall be in violation of this section and to enforcement under Section [744.99](#).

(e) Mobile Food Units are prohibited from selling alcoholic beverages.

(f) Mobile Food Units may not operate within twenty-five (25) feet of a residential property line.

(g) Mobile Food Units may operate or park for not longer than eight (8) hours at any given time.

(h) Mobile Food Unit operators shall notify the Fire Department Fire Inspector's Office any time the location of the Mobile Food Unit is changed.

(i) Mobile Food Units may not operate, stop, stand or park in any area that impedes the use of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for any patron, pedestrians, or other vehicles EXCEPT during City authorized Special Events **in which the Mobil Food Unit is listed as a participating vendor on the approved Special Event Permit.**

(j) Amplified music or other sounds from any Mobile Food Unit may not at any time unreasonably disturb nearby residents, businesses, pedestrians or vehicles.

(k) Mobile Food Unit operators are responsible for all debris and oil stains within twelve (12) feet of the Mobile Food Unit through their own trash disposal contract. Mobile Food Unit operators shall not use City trash receptacles. Wastewater shall not be deposited in City sewers or poured out at the site.

(Ord. 2022-004. Passed 1-19-22.)

~~774.06~~ 744.06 NON-COMPETE.

No Mobile Food Unit shall set up operations within fifty (50) feet of an existing entrance of a business that sells food. This provision shall not apply to City Authorized Special Events **in which the Mobil Food Unit is listed as a participating vendor on the approved Special Event Permit.**

If the owner of a Mobile Food Unit has the written permission of any businesses that sell food to operate within the above fifty (50) foot exemption then this Section will not apply.

(Ord. 2022-004. Passed 1-19-22.)

744.07 CITY AUTHORIZED SPECIAL EVENTS.

Special Event sponsors who have been authorized by the City to use the City's right-of-way for such Special Event shall ensure that all **participating** vendors **listed on the approved Special Event Permit invited to the Special Event** have complied with the provisions of this Chapter. Any use of City Parks shall be authorized by the Parks and Recreation Director prior to the Mobile Food Unit operator applying for a permit.

During City Authorized Special Events, Sections ~~774.05~~ 744.05 (e), (g) and ~~774.06~~ 744.06 shall not apply. (Ord. 2022-004. Passed 1-19-22.)

744.08 EXEMPTIONS.

The following persons shall be exempt from the licensing procedures outlined in this Chapter:

- (a) Any person soliciting or peddling anything which such person has personally manufactured or produced.
- (b) Any farmer, poultry man or horticulturist, who is a person, who is soliciting or peddling his own product, but who has not bought goods for resale to sell along with his own product.
- (c) Any person, eighteen (18) or over soliciting for personal services to be performed by the person so soliciting.
- (d) The provisions of this chapter shall not apply to the peddling or soliciting of ice, milk, cream, ice cream, butter, eggs, cottage cheese or any dairy products.
- (e) A lemonade stand on the premises of a private home and operated by children under the age of twelve (12).
- (f) Kent residents that have a one-time food truck at their home for a private party/catered event.

(Ord. 2022-004. Passed 1-19-22.)

744.09 ENFORCEMENT.

(a) Enforcement. The provisions of this chapter may be enforced by the Kent Police Department, Fire Department, or Health Department.

(Ord. 2022-004. Passed 1-19-22.)

744.10 SEVERABILITY.

Should any provision of this chapter be held invalid by a court of competent jurisdiction, then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

(Ord. 2022-004. Passed 1-19-22.)

744.99 PENALTY.

(a) Any first violation of any provision of the chapter (unless otherwise specified), is a minor misdemeanor. A second and additional violation of a provision of this chapter within a two (2) year period in a misdemeanor of the third degree.

(b) Any person found vending without a license will be asked to cease said behavior. Failure to cease vending after a request to do so by a City official is a misdemeanor of the third degree. (Ord. 2022-004. Passed 1-19-22.)

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