

ORDINANCE NO. 2022 - 004

AN ORDINANCE AMENDING CHAPTER 7, TITLED "BUSINESS REGULATION CODE" TO ENACT A NEW SECTION 744 TITLED "MOBILE FOOD UNIT REGULATIONS" AND TO AMEND THE TITLE OF THE CHAPTER, AND DECLARING AN EMERGENCY.

WHEREAS, currently, mobile food trucks are permitted on private property but they have been limited in the public right of way in order to minimize competition with local food establishments; and

WHEREAS, the proposed regulations will expand opportunities for food trucks in the public right of way; and

WHEREAS, the City of Kent wishes to enact a new section 744 titled "Mobile Food Unit Regulations".


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

SECTION 1. Chapter 7 of the Codified Ordinances be amended as set forth in the document entitled "Chapter 744 "Mobile Food Unit Regulations", attached hereto as Exhibit "A" and incorporated herein by reference.

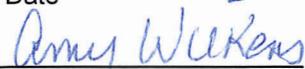
SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formation action, 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 reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: January 19, 2022
Date

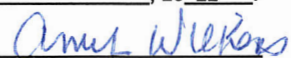

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: January 19, 2022
Date

ATTEST: 
Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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. 2022-004, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON January 19, 2022.

seal


AMY WILKENS
CLERK OF COUNCIL

Chapter 744

Mobile Food Unit Regulations

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.

744.02 DEFINITIONS.

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 5 days each week at a business location. Applications for Limited Use Permits may be made for periods of two 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 Ordinance. 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 ordinance.

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.

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 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 \$50 for up to a two month permit to a maximum of \$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.

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 25 feet of a residential property line.

(g) Mobile Food Units may operate or park for not longer than 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.

(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 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.

774.06 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.

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.

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 vendors 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(e), (g) and 774.06 shall not apply.

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 12.
- (f) Kent residents that have a one-time food truck at their home for a private party/catered event.

744.09 ENFORCEMENT.

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

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.

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.