

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 15 – 21

TO ENACT CHAPTER 114 OF THE CHEVIOT CODE OF ORDINANCES.

WHEREAS, the Council of the City of Cheviot desires to authorize a limited number of mobile food vendors in the City of Cheviot and subject to reasonable license requirements and regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:

Section 1. There is hereby enacted Chapter 114 of the Cheviot Code of Ordinances, which shall read as follows:

CHAPTER 114: MOBILE FOOD VENDORS

§ 114.01 GENERAL AUTHORIZATION AND DEFINITIONS

The Safety-Service Director or his designee is authorized to grant revocable street privileges for the placement of mobile food and beverage within the City of Cheviot subject to the definitions and restrictions in this chapter.

(A) DEFINITIONS.

- (1) "Mobile Food and Beverage Vending Unit" shall be defined as a commercially manufactured, motorized, or otherwise mobile unit, truck, or cart that is readily moveable, and from which non-alcoholic beverages or ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.
- (2) "Mobile Food and Beverage Vendor" shall be defined as any person who sells or offers for sale food or beverages from a Mobile Food and Beverage Vending Unit in any public, private, or restricted space.

- (3) "Designated Zones" shall include all zones as each is defined in Section 114.02 of this chapter.

§ 114.02 DESIGNATED ZONES.

There shall be five designated zones in the City of Cheviot in which Mobile Food and Beverage Vending Units may operate. The designated zones shall be appropriately marked as such by the Safety-Service Director. The five designated zones are as follows:

- (A) Harrison Avenue east bound in front of Pioneer Park;
- (B) Harrison Avenue west bound in front of the City Cemetery;
- (C) Glenmore Avenue north bound in front of the Cheviot Savings Bank;
- (D) Gamble Avenue near Glenmore Avenue; and
- (E) North Bend Road south bound in front of Harvest Home Park.

The Safety-Service Director shall be responsible for the exact placement of the designated zones, which shall be the approximate length of two standard parking places.

In addition to the five designate zones listed above, Mobile Food and Beverage Vending Units may operate on privately owned property in the Business District of the city with the written consent of the property owner. Upon a written request at least two weeks in advance from the Safety-Service Director, a Mobile Food and Beverage Vending Unit may, where warranted, receive permission to operate outside of a designated zone.

§ 114.03 OPERATING RESTRICTIONS

- (A) No Mobile Food and Beverage Vending Unit or Mobile Food and Beverage Vendor may operate outside of a designated zone.
- (B) No Mobile Food and Beverage Vending Unit or Mobile Food and Beverage Vendor may operate without a valid permit.
- (C) No Mobile Food and Beverage Vending Unit or Mobile Food and Beverage Vendor may operate outside of the hours of 6:00 a.m. through 3:00 a.m. Mobile Food and Beverage Vending Units and Mobile Food and Beverage Vendor shall not occupy any space in a designated zone outside of the authorized operating hours.

- (D) Spaces within the designated zones shall be available on a first-come, first-served basis each day. The issuance of a permit under this chapter does not guarantee access to a particular location, nor does it guarantee that space will be available.
- (E) Mobile Food and Beverage Vending Units and Mobile Food and Beverage Vendors shall be in full compliance with all regulations of the Hamilton County Health Department and shall be subject to any required inspections.
- (F) Mobile Food and Beverage Vendors shall keep the area within a five foot radius of their unit clear of all litter and debris arising from their operation.
- (G) Mobile Food and Beverage Vendors shall be responsible for removing all waste generated by the internal operations of their unit. Such waste shall not be placed in city trash receptacles. Grease and liquid waste may not be disposed of in tree pits, storm drains, sewer drains, or streets.
- (H) Mobile Food and Beverage Vendors shall not operate in any manner that blocks, obstructs, or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.
- (I) A Mobile Food and Beverage Vending Unit shall not exceed thirty one feet in length, nor shall it exceed eight feet, five inches, in width.
- (J) A valid City of Cheviot permit must be kept on the Mobile Food and Beverage Vending Unit at all times and must be available for immediate inspection.
- (K) Mobile Food and Beverage Vendors shall not park in a way that prevents other trucks from parking in otherwise available spaces.
- (L) Mobile Food and Beverage Vendors may set up tables and chairs in the space immediately in front of their units, provided that the tables and chairs do not impede other trucks from parking in otherwise available spaces, and further provided that the tables and chairs are placed:
 - (1) only on paved surfaces;
 - (2) in a location that does not block the entrance or exit of any building;
 - (3) in a location that does not block access to buses at bus stops, fires escapes, sidewalk access doors, traffic or street lighting equipment, utility valve boxes, or other utility equipment;
 - (4) in a location that is at least five feet from any alley, pedestrian crosswalk, driveway, curb cut, curb ramp, fire hydrant, or bicycle rack; and

- (5) such that an open area of not less than four feet is available for pedestrian traffic around tables and chairs.
- (M) Mobile Food and Beverage Vendors may display advertising consisting only of the Mobile Food and Beverage Vendor name and logo and any items sold or otherwise available from the Mobile Food and Beverage Vendor. All other advertising is prohibited.
- (N) Mobile Food and Beverage Vendors shall not have access to location within the designated zones during special events designated by the city. Examples of this are the Harvest Home Parade and West Fest.
- (O) In the case of Mobile Food and Beverage Vending Units which are pulled or hauled by separate vehicles, the Mobile Food and Beverage Vending Unit shall be detached from the vehicle by which it was hauled (the "Hauling Vehicle"). The Hauling Vehicle shall be parked in a regular, lawful parking space and shall not occupy space in any designated zone.
- (P) Mobile Food and Beverage Vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city, within the designated zones.

§ 114.04 APPLICATION AND LICENSING.

- (A) Persons desiring to obtain a revocable street privilege for the operation of a Mobile Food and Vending Unit in the designated areas or in any approved area shall submit an application on a form to be provided by the Safety-Service Director or his designee, which shall:
- (1) identify the name, mailing address, telephone number, and tax identification number of the applicant;
 - (2) identify the name and address of the person authorized to receive notices from the city;
 - (3) identify a primary and secondary contact who can be contacted in an emergency;
 - (4) include proof of liability insurance in an amount not less than \$1,000,000.00 naming the City of Cheviot as an additional insured party;
 - (5) include a non-refundable application fee as set forth below; and
 - (6) include a copy of the applicant's current food service license issued by the Hamilton County Department of Health;
- (B) A business owner may only apply for and receive one revocable street privilege. Any revocable street privilege issued as a result thereof will grant the holder permission to

operate one Mobile Food and Beverage Vending Unit within the City of Cheviot's designated zones.

- (C) A non-refundable application fee of \$100.00 shall accompany the first application by each applicant for a revocable street privilege under this section.
- (D) If a revocable street privilege is issued, it shall be for a term of one year, and an additional fee of \$50.00 shall be paid by the licensed vendor before the revocable street privilege is issued. The revocable street privilege may be renewed annually for an additional \$50.00 per year, provided that the licensed vendor seeking renewal is in full compliance with all regulations in this chapter, has no pending violations, and has not allowed a previously issued privilege to lapse.
- (E) No more than 20 Mobile Food and Beverage licenses may be issued and in effect at any one time.
- (F) Issuance of a revocable street privilege for a Mobile Food and Beverage Vendor does not create or confer a property interest of any kind.
- (G) Revocable street privileges for Mobile Food and Beverage Vendors are non-transferrable.
- (H) Prior to the issuance of a revocable street privilege, the Cheviot Police Department shall conduct a background check of the applicant. Prior convictions for felonies shall be grounds for a denial of the issuance of the privilege. In addition, the Cheviot Fire Department shall annually conduct a safety inspection of the applicant's unit before a privilege may be issued or renewed.

§114.05 INSPECTIONS AND PENALTIES

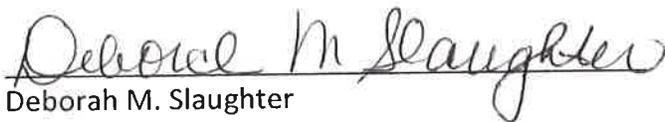
- (A) Inspections for compliance with this chapter may be performed by the Hamilton County Health Department, the City of Cheviot Police Department, or the City of Cheviot Fire Department.
- (B) Any owner or operator of any Mobile Food and Beverage Vending Unit who violates any section of this chapter will be first issued a written warning. Any owner or operator who continues to violate any section of this chapter may be issued a civil citation in the amount of \$200.00 which must be paid within ten days of issuance. Additional violations or failure to pay fines within the allotted time period shall result in the immediate revocation of the revocable street privilege.

(C) Any person, owner, or operator who operates a Mobile Food and Beverage Vending Unit without a valid and current revocable street privilege issued by the City of Cheviot shall be guilty of a minor misdemeanor. The offense shall be a strict liability offense, with no *mens rea* requirement of proof on the part of the City. A second or subsequent offense shall be a misdemeanor of the fourth degree. Fines and punishment shall be as set forth in Section 130.99 of the Cheviot Code of Ordinances.

114.06 INDEPENDENCE OF THE MOBILE FOOD VENDOR PROVISIONS

The regulations and restrictions contained in this chapter apply to all mobile food and beverage vendors. This chapter does not exempt a mobile food and beverage vendor from compliance with all other ordinances and regulations contained in the Cheviot Code of Ordinances including, but not limited to, parking regulations, health regulations, zoning regulations, and business regulations.

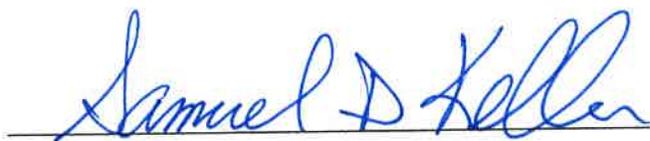
Section 2. This ordinance shall become effective on the eleventh day after the first publication by the Clerk of Council.



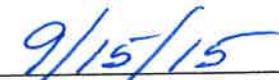
Deborah M. Slaughter
President of Council

September 15, 2015

Date passed



Samuel D. Keller
Mayor

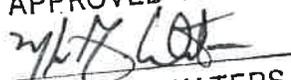

Date approved

Attest:



Jenny M. Eilermann
Clerk of Council

APPROVED AS TO FORM:


MARK G. WATERS
LAW DIRECTOR

CERTIFICATION OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates :

1) _____, 2015, and

2) _____, 2015.

Jenny M. Eilermann
Clerk of Council

1st reading: August 19, 2015
2nd reading: September 1, 2015
Passed: September 15, 2015

Introduced by: Councilwoman Leslie Roden