

Sponsor: Biggs/R.Peters

ORDINANCE NO. 35-21 (Revised)

AN ORDINANCE ADDING CHAPTER 737 TO THE CODIFIED ORDINANCES OF THE CITY OF JACKSON TO GOVERN THE OPERATION OF FOOD TRUCKS AND MOBILE FOOD SERVICE VEHICLES.

WHEREAS, the legislative authority of the City of Jackson hereby enacts and codifies the laws, rules and regulation governing the operation of Food Trucks and Mobile Food Service Vehicles within the City of Jackson and directs that these be added as Chapter 737 to the Codified Ordinances of the City of Jackson as attached hereto in Exhibit "A".


NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, OHIO THAT CHAPTER 737, AS ATTACHED HERETO AS EXHIBIT "A" BE ADDED AND MADE PART OF THE CODIFIED ORDINANCES OF THE CITY OF JACKSON AND THAT IT BE PLACED WITHIN THE JACKSON CITY CODE AT ITS NEXT PUBLICATION.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 14th day of June, 2021.


President of Council

ATTEST:


Clerk of the Legislative Authority
Approved this 14th day of June, 2021.



Mayor

EXHIBIT "A"

737.01 DEFINITIONS.

(a) Food Truck: As used in this chapter, the term "Food Truck" shall mean a vehicle from which the operator cooks, prepares or assembles food items with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

(b) Mobile Food Service Vehicle: As used in this chapter, the term "Mobile Food Service Vehicle" shall include "Food Trucks" and any portable unit that is attached to a motorized vehicle and that is intended for use or in service to the operations of the Mobile Food Service Vehicle or Food Truck.

(c) Operate: As used in this chapter, the term "operate" shall mean to promote or sell food, beverages, and other permitted items from the Mobile Food Service Vehicle.

(d) Operator: As used in this chapter, the term "operator" shall mean any person owning, operating, or permitted to operate a Food Truck or Mobile Service Vehicle.

(e) Food Truck Rally: Any event or location where three or more Food Trucks or Mobile Food Service Vehicles are present.

737.02 GENERAL PROVISIONS.

(a) It is a violation to operate a Mobile Food Service Vehicle at any location except at the location designated in the permit.

(b) All operations of a Mobile Food Service Vehicle must be in compliance with the requirements of this article and the permit issued to the operator.

(c) Mobile Food Service Vehicle operators must comply with all State and local business and tax regulations and in compliance with all order or requirements of the Ohio Department of Health and the Jackson County Health Department.

737.03 FOOD VENDOR OPERATING REQUIREMENTS.

(a) Vehicle Requirements.

(1) Design and Construction: Mobile Food Service Vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.

(2) Licensing: Mobile Food Service Vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and federal laws or regulations.

(b) Right-of-Way.

(1) Mobile Food Service Vehicles may not operate, stop, stand, or park in any area 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 patrons, pedestrians, or other vehicles.

(2) Mobile Food Service Vehicles may operate within the right-of-way only at times and locations designated within the locations set forth in the Permit and it is the duty of

all Operators to obtain current knowledge of the right-of-way designations prior to establishing operations in any area.

(3) Unless authorized in writing by the City, all Mobile Food Service Vehicles are prohibited from operating in public alleys.

(4) Food Trucks shall park in the same direction as traffic, with no more than eighteen inches (18") between the curb face or edge of pavement and with the service window of the Unit facing the curb.

(5) A Food Truck may park in more than one parking space in the right-of-way.

(6) Mobile Food Service Vehicles are prohibited from operating in angled parking spaces in the public right-of-way.

(7) Mobile Food Service Vehicles may operate on private property only upon the written consent of the property owner.

(c) Business Access. No Mobile Food Service Vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.

(d) Pedestrians. A Mobile Food Service Vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the Unit and any patron queue. All awnings or canopies of the Unit shall be at least six feet, eight inches (6' 8") above the sidewalk.

(e) Types of Cooking Apparatus. Open flame cooking (other than with a gas range specifically constructed and designed within the Food Truck) either within or outside a Mobile Food Service Vehicle is prohibited; except where such activity is specifically permitted by the Fire Department. Canteen Trucks may have installed within the vehicle a heating apparatus that is used only for serving heated pre-cooked foods provided such apparatus is permitted by state and local regulations. Ice Cream Trucks can have no heating apparatus installed within the vehicle for the purpose of food service.

(f) Noise. Amplified music or other sounds from any Mobile Food Service Vehicles may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

(g) Commissary. If the Operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by a Mobile Food Service Vehicle, or the cleaning and servicing of the Mobile Food Service Vehicle, such a commissary location within the City cannot be located in any residential zoning district, unless such commissary complies with all applicable zoning regulations, building code requirements, and requirements of the Jackson Water and Sewer Departments.

(h) Utilities. All Mobile Food Service Vehicles shall comply with the version of the electrical code currently adopted by the City and any power, water, or sewage required for the Mobile Food Service Vehicle shall be self-contained and shall not use utilities drawn from other sources.

(i) Fire Extinguishers Required. All Mobile Food Service Vehicles must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, any Mobile Food

Service Vehicle that produces grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with appropriate fire extinguishers that are certified annually by a licensed company.

(j) Support Methods. No Mobile Food Service Vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(k) Pedestrian Service Only. Mobile Food Service Vehicles operating in the right-of-way shall serve pedestrians only; drive-up, drive-thru, or drive-in service is prohibited.

(1) Spills. To prevent discharges into the storm drain system, each Unit shall comply with all storm water regulations of the City. In addition, each Unit shall have a spill response plan and kit on board to contain and call Jackson Fire Department to assist with the clean-up of spills and to determine the need for a more extensive response.

(1) Spill Plan- Food Trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include 1) description of and typical quantities of materials that may be spilled; 2) procedures for containing potentially spilled materials including proper disposal of spilled materials; 3) procedures for storage, use, handling and transfer of materials to reduce potential for spilling; and 4) emergency notification requirements.

(2) Spill Kit- Food Trucks must have a response kit on the vehicle including 1) minimum five-gallon storage and clean-up container capacity with lid; 2) minimum of ten absorbent pads and two absorbent socks or equivalent; 3) disposable bag adequate to hold contents of spill kit and spilled materials; and 4) one pair of disposable gloves.

(m) Waste Collection. The area of a Mobile Food Service Vehicle operation must be kept neat and orderly at all times. Operation of a Mobile Food Service Vehicle in an area is deemed acceptance by the Operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than twenty feet from all parts of the Vehicle) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Service Vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a mobile food service Vehicle from a location.

(n) Signage. Mobile Food Service Vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six square feet. All signs mounted on the Unit shall be secured and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage must conform to community standards of decency.

(o) Alcohol Sales. Mobile Food Service Vehicles are prohibited from selling alcoholic beverages.

(p) Insurance Requirements. Mobile Food Service Vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations. Food Trucks operating on City property other than the right-of-way are required to maintain insurance coverage in the form and amounts required by the City. In the event the required coverage is not properly maintained, the Operator's Mobile Food Service Permit will be immediately revoked. The failure of the Operator to notify the City of any change in coverage will preclude the Operator from obtaining a permit for a period of six months from the date the City learns of the failure to provide the required notification of change.

737.04 MOBILE FOOD SERVICE PERMITS.

(a) Issuance. A Mobile Food Service Permit shall be issued upon full completion and review of the application required by this section, except that no Mobile Food Service Permit will be issued to an operator, or any person affiliated with the Operator for purposes of operating a mobile Food Vehicle that is the subject of a suspended Mobile Food Service Permit or has held a Mobile Food Service Permit revoked within the prior twelve (12) month period.

(b) Fees. Fees shall be set by the Director of Public Service and Safety and published in a list of permit fees to be maintained in the City of Jackson Memorial Building, Office of the Director of Service and Safety.

(c) Expiration. A Mobile Food Service Permit expires on the date twelve (12) months after issuance and may be renewed provided that all City requirements are met and the license has not been suspended or revoked.

(d) Transferability. A Mobile Food Service Permit may not be transferred.

(e) Enforcement.

(1) Warning. An officer of the Jackson Police Department may provide one (1) warning to any Operator for a violation of this section except that a citation shall be issued as set forth in the section.

(2) Citation. An officer of the Jackson Police Department must issue a citation to the Mobile Food Service Operator for a second violation found to have occurred after a warning was issued within the previous six (6) months.

(3) An officer of the Jackson Police Department must issue a citation to the Mobile Food Service Operator for any violation that constitutes ground for revocation of a Mobile Food Service Permit.

(4) Suspension. A Mobile Food Service Permit shall be suspended until reinstatement upon issuance of a citation for any of the following reasons.

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months.

(ii) The required vehicle license, health permit, or business tax license for the Operator or the Mobile Food Service Vehicle has expired or been suspended, revoked, or otherwise terminated.

(iii) The Operator fails to obtain or maintain the insurance coverages required by this section.

(5) **Revocation.** Permits may be revoked for any of the follow reasons.

(i) Fraud, misrepresentation, or false statements contained in the application for the license.

(ii) Fraud, misrepresentation, or false statement made in the course of carrying on the business as a Mobile Food Service Operator.

(iii) After two suspensions within a twelve (12) month period.

(iv) The Operator operates in an unlawful manner such a manner as to constitute a disturbance of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.

(6) **Reinstatement.**

(i) **Suspension.** An Operator may reinstate a suspended Mobile Food Service Permit by payment of a fee of \$500.00 to offset the City's cost of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(ii) **Revocation.** The City may allow an Operator to reapply for a Mobile Food Service Permit after twelve (12) months from the date of revocation. The Operator shall correct all circumstances that led to the violations, the Operator shall pay a fee in the amount of five hundred dollars (\$500.00) to offset the City's costs of compliance measures, necessary inspections, and the circumstances that led to the suspension have been corrected.

(f) **Notice of Denial, Suspension or Revocation.** Upon denial, suspension or revocation of a Mobile Food Service Permit, the City shall give notice to the Operator in writing. There shall be no refund of any other fee paid to the City.

(g) **Appeal.** Citations may be appealed to the Mayor, whose decision, which will be based upon a written summation of the facts submitted by the office charged with Mobile Food Service Permit compliance (the Jackson Police Department), and the permit holder, is final.

737.99 PENALTY.

In addition to the penalty provided by Section 701.99, whoever violates any provision of this chapter shall be fined five hundred dollars (\$500.00) to offset the City's cost of compliance measures. Said fine shall be payable to the City of Jackson.