

CHAPTER 856

Regulation of Mobile Food Vehicles

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856.01 PURPOSE.

The purpose of this chapter is to protect the health, safety and welfare of the public by requiring permits for mobile food vehicles and to establish minimum requirements for the operation of such vehicles related to their location, hours of operation, sanitation, and cleanliness.

(Ord. 98-2019. Passed 7-8-19.)

856.02 DEFINITIONS.

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

- (a) "Food establishment" shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.
- (b) "Mayor" shall mean the Mayor of the City of Avon Lake.
- (c) "Mobile food vehicle" shall mean a food establishment that consists of or is located in or upon a vehicle, including cars, trucks, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service. This definition includes but is not limited to mobile food kitchens, pushcarts, bicycle carts, mobile food trucks, canteen trucks, and coffee trucks. This definition does not include "meals on wheels" program vehicles, food home delivery services, or a vehicle operated by a peddler pursuant to a current license issued under Section 840.11.
- (d) "Permit" shall mean a mobile food vehicle permit issued pursuant to this chapter.
- (e) "Private party" shall mean a social gathering not open to the public on private property or on public property reserved for such gathering.
- (f) "Special event" shall mean any outdoor activity or series of outdoor activities of the type described in Section 1250.04(u) or 1260.07 of the Codified Ordinances.

(Ord. 98-2019. Passed 7-8-19.)

856.03 MOBILE FOOD VEHICLE PERMIT REQUIRED.

No person or entity, including a religious or charitable organization, shall conduct business or dispense food or beverages from a mobile food vehicle unless a permit for such vehicle is in effect.

(Ord. 98-2019. Passed 7-8-19.)

856.04 VALIDITY OF PERMIT.

A permit issued pursuant to this chapter shall be valid from the date of issuance and shall expire at 11:59 p.m. on December 31 of the year in which the permit is issued.

(Ord. 98-2019. Passed 7-8-19.)

856.05 APPLICATION FOR A MOBILE FOOD VEHICLE PERMIT.

- (a) Application. An application for a permit shall be made available by the Mayor.

(b) Information Required. Each completed application must include or be accompanied by the following:

- (1) The name of the business and its owner or owners, the mailing address of the business, and mobile telephone number of the operator.
- (2) The types of food and beverages to be dispensed from the vehicle.
- (3) A description of the vehicle and the vehicle identification number.
- (4) Certification that the mobile food vehicle has passed all necessary inspections required by the County Health Department with jurisdiction over such mobile food vehicle.
- (5) A certificate of insurance evidencing commercial general liability coverage in the minimum amount of one million dollars (\$1,000,000) in the aggregate in a form acceptable to the City.

(c) Approval Process: Appeals. The completed application must be submitted to the Mayor. Within thirty days of the submission of a completed application, the Mayor shall either issue or deny the application for a permit. If the application is denied in whole or in part, the Mayor shall state the reasons for the denial. Any applicant who has been denied a permit may appeal such denial by submitting a written notice of appeal to the Zoning Administrator not later than ten days of the date of the denial. The appeal shall be heard by the Zoning Board of Appeals within thirty days of receipt of said appeal upon procedures established by the Zoning Board of Appeals. The decision of the Zoning Board of Appeals may be appealed by either the applicant or the City to the Lorain County Common Pleas Court in accordance with R.C. Chapter 2506.

(Ord. 98-2019. Passed 7-8-19.)

856.06 PERMIT FEES.

The fee for a permit shall be as set forth in Chapter 208 of the Administration Code - the General Fee Schedule.

(Ord. 98-2019. Passed 7-8-19.)

856.07 PERMIT NOT TRANSFERRABLE.

A permit issued pursuant to this chapter shall not be transferable, and any attempt to assign, sell, lend, lease or in any manner transfer such permit shall be void.

(Ord. 98-2019. Passed 7-8-19.)

856.08 OPERATION OF MOBILE FOOD VEHICLES.

- (a) The issuance of a permit does not grant or entitle the exclusive use of a location to the permit holder.
- (b) No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters, except at a private party or special event.
- (c) Permit holders shall provide customers with single service articles, such as plastic silverware and paper plates. All mobile food vehicles shall offer a waste container for customer use that the operator shall empty at his or her own expense if not provided by the organizer or sponsor of a special event or private party.
- (d) No mobile food vehicle shall make or cause to be made noise in violation of any section of the Codified Ordinances.
- (e) The permit holder shall notify the City Fire Department in writing at least one week in advance of all times and locations within the City at which food or beverages will be dispensed from the permit holder's mobile food vehicle.
- (f) Except for operation at a private party or special event at which mobile food vehicles are permitted, a mobile food vehicle may dispense food only in an O-1, B-1, B-2, B-3, L-1 or I Zoning District.
- (g) Except for operation at a private party or special event at which mobile food vehicles are permitted, no mobile food vehicle shall dispense food on the same street on more than one day in any seven-day period.
- (h) Except for operation at a private party or special event at which mobile food vehicles are permitted, no mobile food vehicle shall dispense food at the same location for more than two hours in any twenty-four hour period.
- (i) Mobile food vehicles must adhere to all applicable parking regulations for commercial vehicles.
- (j) A mobile food vehicle must be licensed by the health district in which the home base or business headquarters is located. Such license must be maintained on site for validation. Mobile food vehicles must comply with all applicable governmental rules and regulations, including but not limited to those of the Lorain County General Health District and the State of Ohio.
- (k) No mobile food vehicle may be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food vehicle.
- (l) The permit and all other current licenses, permits and certificates issued for the mobile food vehicle must be prominently displayed when business is being conducted from the mobile food vehicle.

(m) Prior to operating within the City pursuant to a permit, a mobile food vehicle must be inspected by the City Fire Department to ensure compliance with all applicable Federal, State and local fire safety and health statutes, regulations, ordinances and codes. No mobile food vehicle shall operate within the City unless it has been inspected and approved for operation by the City Fire Department.

(n) The permit holder shall permit the City Fire Department to inspect the mobile food vehicle as often as the Fire Chief may deem necessary to ensure that the mobile food vehicle is in compliance with all applicable Federal, State and local fire safety and health statutes, regulations, ordinances and codes.

(Ord. 98-2019. Passed 7-8-19.)

856.09 ENFORCEMENT.

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

(b) Revocation, Suspension, Modification. In addition to any other penalties specified in Section 856.99, once a permit has been issued it may be revoked or suspended, for failure to comply with the provisions of this chapter. Anyone holding a permit that has been revoked or suspended may, within ten days of notice of the same, appeal as is provided in Section 856.05 (c). The Mayor may suspend a permit for no more than three days without notice or hearing, if the Mayor notifies the permit holder in writing (email is deemed an acceptable writing) that there is a probability of a violation of public safety, health or order. In such a case, anyone holding a permit that has been suspended may request a hearing within seventy-two hours of notice of the suspension in order to determine whether the suspension is justified.

(Ord. 98-2019. Passed 7-8-19.)

856.10 SEVERABILITY.

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

(Ord. 98-2019. Passed 7-8-19.)

856.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02. A separate offense shall be deemed committed each day during which or on which a violation or noncompliance occurs or continues.

(Ord. 98-2019. Passed 7-8-19.)