

CHAPTER 726

Mobile Food Trucks

726.01 Definitions.

726.02 General provisions.

726.03 Permit required for operation; application.

726.04 Locations and hours of operation.

726.05 Operating requirements.

726.06 Mobile food service permits.

726.99 Penalty.

726.01 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) Canteen Truck: As used in this chapter, the term "Canteen Truck" shall mean a vehicle that operates to provide food services to employees at locations where access to other food service is impractical or unavailable from which the operator vends fruits, vegetables, pre-cooked foods such as hot dogs, and foods or beverages except for the heating of pre-cooked foods; which operate at a single location and do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen Trucks that operate other than as defined herein are Food Trucks and must comply with all Food Truck regulations.

(c) Mobile Food Service Vehicle: As used in this chapter, the term "Mobile Food Service Vehicle" shall mean a Food Truck, Canteen Truck or Ice Cream Truck, including any other 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.

(d) 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.

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

(f) Food Truck Rally: Any event or location where three or more Food Trucks are present. (Ord. 103-18. Passed 12-10-18.)

726.02 GENERAL PROVISIONS.

(a) It is a violation to operate a Mobile Food Service Vehicle at any location except in compliance with the requirements of this article.

(b) Mobile Food Service Vehicle operators must comply with all state and local business and tax regulations. (Ord. 103-18. Passed 12-10-18.)

726.03 PERMIT REQUIRED FOR OPERATION; APPLICATION.

(a) No Mobile Food Service Vehicle may operate within the City without a Mobile Food Service Permit issued by the City. A Mobile Food Service Permit authorizes the holder only to engage in the vending of products from a Mobile Food Service Vehicle in compliance with City Code and as specified on the permit. The Mobile Food Service Permit must be prominently displayed when the Mobile Food Service Vehicle is in operation.

(b) Application.

(1) A Mobile Food Service Vehicle operator shall apply for a Mobile Food Service Permit at the Office of the Mayor of the City of Chillicothe by payment of a fifty dollar (\$50.00) application fee and the following:

- A. Name, address, and date of birth of the owner of the vehicle, and a copy of the owner's valid vehicle Operator's License or State ID;
- B. Name, address, and date of birth of the Operator of the vehicle, and a copy of the operator's valid vehicle Operator's License;
- C. Three color photographs of the exterior (front, side, and back) and interior food service portion of the vehicle in the final condition and with all markings under which it will operate;
- D. A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the Mobile Food Service Vehicle and a photocopy of the vehicle title;

- E. A copy of the state or county health department license or permit applicable to mobile food providers;
 - F. A copy of the Fire Marshal's inspection report;
 - G. A copy of the Operator's Ohio business license;
 - H. A copy of insurance coverage in the amount of \$250,000.00.
- (2) Permittee has an on-going duty to provide the City with notice of any change to any of the information required by the City to obtain a Mobile Food Service Permit, including current photographs of the Mobile Food Service Vehicle in the event of any change in the appearance of or signage on the vehicle.
- (3) This section does not apply to contractual arrangements between a Mobile Food Service Vehicle Operator and an individual, group, or the City for catering at a specific location, for a period of not more than four (4) hours, and that is not open to or serving the public.
- (4) All Food Truck Rallies on public or private property require a Special Event Permit. (Ord. 103-18. Passed 12-10-18.)

726.04 LOCATIONS AND HOURS OF OPERATION.

(a) Food Trucks.

- (1) Rights-of-Way: Food Trucks may operate consistent with this section from the right-of-way only at the locations designated by the Mayor's Office.
- (2) Public Property: Food Trucks may operate on City property, including City parks, only at the times and locations listed on the City's website or designated by the Mayor's office.
- (3) Private Property: Food Trucks may operate on private property where there is a commercial, office, educational or industrial use subject to the following conditions:
- A. Permission. Food trucks selling to the public from private property shall have written permission of the property owner, which shall be made available to the City upon request.
 - B. Unimproved Properties. Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel unless that parcel is paved, and has paved ingress and egress.
 - C. Maximum Number of Food Trucks. No more than two mobile Food Trucks may operate at any location with coordinated advertising to the public unless a Special Event Permit has been obtained.
- (4) Food Trucks may operate during the time period of 6:00 a.m. until midnight.

(b) Canteen Trucks.

- (1) Rights-of-Way: Canteen Trucks may operate from the right-of-way to cater to on-site employees of a single location for a limited period of time not greater than one and one-half hours.
- (2) Private Property: Canteen Trucks may operate from the right-of-way to cater to onsite employees of a clearly delineated single location for a limited period of time not greater than three hours.
- (3) Canteen Trucks may operate during the time period of 6:00 a.m. until midnight in approved areas.

(c) Ice Cream Trucks.

- (1) Rights-of-Way: An Ice Cream Truck may not operate from the right-of-way at any one location for more than fifteen (15) minutes without relocating to another location not less than one-quarter mile from the previous location.
- (2) Ice Cream Trucks may operate during the time period of 11:00 a.m. until sunset. (Ord. 103-18. Passed 12-10-18.)

726.05 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) Food Trucks may operate within the right-of-way only at times and locations designated as Food Truck locations by the Mayor's Office 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) Food Trucks are prohibited from operating in angled parking spaces in the public right-of-way.

(c) Business Access.

- (1) 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.

- (1) 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.

- (1) 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.

- (1) 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.

- (1) 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 Chillicothe Water and Sewer Departments.

(h) Utilities.

- (1) 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.

- (1) 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.

- (1) 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.

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

(l) Spills.

- (1) To prevent discharges into the storm drain system and river, 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 Chillicothe Fire Department to assist with the clean-up of spills and to determine the need for a more extensive response.

A. 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.

B. 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.

- (1) 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.

- (1) 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 at all times conform to community standards of decency.

(o) Alcohol Sales.

- (1) Food Trucks, Canteen Trucks, and Ice Cream Trucks are prohibited from selling alcoholic beverages.

(p) Insurance Requirements.

- (1) Mobile Food Service Vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.

A. Food Trucks operating on City property other than the right-of-way are required at all times 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.

B. Canteen Trucks and Ice Cream Trucks shall not operate on City property other than the right-of-way, except upon obtaining written permission from the City, and may be required to obtain insurance consistent with the type of operation permitted.

(Ord. 103-18. Passed 12-10-18.)

726.06 MOBILE FOOD SERVICE PERMITS.

(a) Issuance.

- (1) 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:
 - A. 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.
 - (1) Fees for a Mobile Food Service Permit shall be \$75.00 per month or \$375.00 per year.
- (c) Expiration.
 - (1) 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.
 - (1) A Mobile Food Service Permit may not be transferred.
- (e) Enforcement.
 - (1) Warning.
 - A. An officer of the Chillicothe 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.
 - A. An officer of the Chillicothe 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.
 - B. An officer of the Chillicothe 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.
 - (3) Suspension.
 - A. 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.
 - (4) Revocation.
 - A. 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.
 - (5) Reinstatement.
 - A. Suspension. An Operator may instate 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.
 - B. 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.

(1) 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.

(1) 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 Chillicothe Police Department), and the permit holder, is final.

(Ord. 103-18. Passed 12-10-18.)

726.99 PENALTY.

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 Chillicothe. (Ord. 103-18. Passed 12-10-18.)
