

Chapter 845
Mobile Food Unit Regulations

845.01 PURPOSE.

(a) The City of North Royalton 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 mobile food service 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 registration and permits for Mobile Food Units and to establish minimum requirements for the permitting operation of such units as defined by the Ohio Fire Code.

845.02 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 or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.

(b) Mobile Food Unit Park shall mean a designated location with a regular arrangement wherein four (4) or more Mobile Food Units operate in a one (1) calendar month period. Mobile Food Unit Parks shall require a Conditional Use Permit subject to the conditions outlined in Section 845.06 of this Chapter and the requirements of Section 1262.07.

(c) Mobile Food Unit Registration: Mobile Food Units that intend to operate within the City of North Royalton shall be required to register with the Building Division. Applications for registrations are valid for the calendar year in which they are issued. As part of the registration, Mobile Food Units will be required to pass a Fire Department inspection prior to operating within the City. A copy of the Proof of Registration and Fire Department inspection approval shall be kept with the vehicle at all times when operating within the City of North Royalton.

(d) Mobile Food Unit Permit: When operating outside of an approved Mobile Food Unit Park, approval to host a Mobile Food Unit may be had by permit application, issued by the Building Division, and submitted by the property owner or tenant. An individual business is permitted to host a maximum of three (3) Mobile Food Units within a one (1) calendar month period. Applications for Mobile Food Unit Permits are valid through the calendar year in which they are issued.

845.03 SCOPE OF CHAPTER.

The owner of a Mobile Food Unit, as defined by the Ohio Fire Code, shall register with the Building Division and pass a Fire Department inspection prior to operating in the City of North Royalton. Outside of an approved Mobile Food Unit Park, property owners or tenants intending to host a Mobile Food Unit shall obtain a Mobile Food Unit Permit from the City of North Royalton Building Division and are solely responsible to ensure that the Mobile Food Unit on their property is currently registered with the City of North Royalton. Notwithstanding the provisions of this Chapter, North Royalton residents hosting Mobile Food Units on a one-time basis, defined as hosting one (1) Mobile Food Unit within a six (6) month period, at a residence for a private party/catered event are exempt from this Ordinance and are not required file for a permit and the Mobile Food Unit is not required to register with the City. Likewise, Home Owner Associations and Condominium Owner Associations hosting Mobile Food Units using its'

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own private property for the enjoyment of its members are exempt from the provisions of this ordinance and the Mobile Food Unit is not required to register with the City provided that the Home Owner Associations and Condominium Owner Associations will not be hosting more than three (3) Mobile Food Units within a one (1) calendar month period. The strict application of this ordinance shall not be applied in the case of city sponsored events held on city property.

845.04 MOBILE FOOD UNIT REQUIREMENTS.

(a) Each Mobile Food Unit shall register with the City of North Royalton Building Division. Registrations are valid for the calendar year in which they are issued. The registration fee is one hundred dollars (\$100.00) and covers the fee for one (1) Fire Department inspection. Upon completion of the registration process, the applicant will be provided a Proof of Registration document which shall be kept with the vehicle at all times while operating within the City of North Royalton.

(b) Each Mobile Food Unit shall contact the North Royalton Fire Department to schedule an inspection prior to completing the registration process. The initial registration fee of one hundred dollars (\$100.00) covers one (1) inspection by the Fire Department. Any subsequent inspections performed by the Fire Department will require an additional fifty-dollar (\$50.00) fee to be paid to the Building Division. Inspections are valid through the year in which they were conducted (e.g. if an inspection is conducted in a given year, it is valid until December 31st of that year.)

(1) The Chief, Assistant Chief or designee of the North Royalton Fire Department will schedule the inspection of the said Mobile Food Unit, and conduct the inspection pursuant to the Ohio Fire Code and the North Royalton Codified Ordinances. Upon approval, the inspection report shall be forwarded to the City of North Royalton Building Division.

(2) 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 general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of one million dollars (\$1,000,000) per occurrence. Additional required documentation may include other certifications or federal, state or local licensure depending on the type of operation being conducted. Required documentation must be provided to the Building Division as part of the registration as well as the Fire Chief, Assistant Fire Chief or designee at time of inspection.

(3) During the inspection, the owner or responsible party shall be present to show, operate, explain and discuss the components of the Mobile Food Unit.

(4) Upon completion of the inspection, the owner or responsible party will be issued a fire safety inspection report detailing the findings of the inspection.

(5) 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.

(6) A fire safety inspection report indicating Fire Code deficiencies will require the owner 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 North Royalton Codified Ordinances. Upon completion of the actions or repairs to the Mobile Food Unit, the owner or responsible party can then schedule a re-inspection with the Fire Chief, Assistant Fire Chief or designee to show compliance with the original inspection report deficiencies. A re-inspection will require the payment of fifty dollars (\$50.00) to be paid to the Building Division.

(7) Upon successful re-inspection, the Mobile Food Unit will be issued a record of inspection to indicate compliance of the Mobile Food Unit.

(8) On-site inspections may be performed by authorized Fire Department officials/members at their discretion any time the Mobile Food Unit is operating in North Royalton's jurisdictional boundaries.

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(c) If operating outside of an approved Mobile Food Unit Park, an application shall be made by the property owner or tenant for a Mobile Food Unit Permit to host Mobile Food Units on a given property. The application fee for a Mobile Food Unit Permit shall be twenty-five dollars (\$25.00). All permits are valid through the calendar year in which they are issued. Mobile Food Unit Permits must be submitted at least five (5) business days prior to the planned date of operation.

(1) The application for a Mobile Food Unit Permit shall include a site plan showing the intended location of the Mobile Food Units on the property, the distance of the units from the property lines, and a description of how Mobile Food Units on the property shall be powered.

845.05 GENERAL REQUIREMENTS.

(a) Operation Without Mobile Food Unit Permit. Outside of an approved Mobile Food Unit Park, no property or business shall be permitted to host a Mobile Food Unit without a valid Mobile Food Unit Permit issued pursuant to this Chapter.

(b) Unattended Vehicles Prohibited. No Mobile Food Unit 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 operator of any Mobile Food Unit found to be in violation of this subsection may be charged with a violation of this chapter.

(c) Mobile Food Units are prohibited from selling alcoholic beverages.

(d) Mobile Food Units are shall serve pedestrian customers only. Drive-in or drive-through services shall be prohibited.

(e) 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 presents an unsafe condition for any patron, pedestrians, or other vehicles.

(f) Sanitary facilities and trash/recycling receptacles shall be provided on the host property and all waste shall be removed at the close of business.

(g) Fueling of Mobile Food Units or associated generators shall not be permitted on the host site.

(h) Amplified music or other sounds from any Mobile Food Unit may not at any time unreasonably disturb nearby residents, businesses, pedestrians or vehicles.

(i) Outside of an approved Mobile Food Unit Park, any property owner or tenant that permits a Mobile Food Unit to operate or park on the property without a Mobile Food Unit Permit for that location shall be in violation of this section and subject to enforcement under Section 698.02.

(j) The City reserves the right at all times to require a Mobile Food Unit to relocate to an 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.

(k) Mobile Food Units shall adhere to all applicable parking regulations for commercial vehicles.

845.06 MOBILE FOOD UNIT PARKS.

(a) Mobile Food Unit Parks may be permitted as an accessory use in all business districts and applicable Traditional Town Center Districts provided that a Conditional Use Permit is granted in accordance with the standards set forth in Section 1262.07 and the following requirements:

(1) Mobile Food Unit Parks shall not be located on a parcel that is adjacent to a residential zoning district.

(2) Hours of operation shall be limited to between 11:00 a.m. and 10:00 p.m. local time.

(3) The permitted number of Mobile Food Units shall be as approved as part of the conditional use permit.

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(4) Seating for patrons shall be provided as shown in a site plan submitted to the Planning Commission for a conditional use permit.

(5) Mobile Food Units shall be located in designated spaces as shown in a site plan submitted to the Planning Commission for a conditional use permit.

(6) Mobile Food Units in a mobile food unit park shall maintain a minimum of ten (10) feet between vehicles and/or equipment and shall be located not less than twenty (20) feet from the building.

(7) Mobile Food Units in a Mobile Food Unit Park shall meet all requirements as established in Section 845.05 of this Chapter.

845.07 OPERATION OF MOBILE FOOD UNITS OUTSIDE OF A MOBILE FOOD UNIT PARK.

(a) A Mobile Food Unit may be located within any zoning district except Residential Districts. A property owner or tenant hosting 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 698.02.

(b) No more than three (3) Mobile Food Units shall be operated at a single location within a one (1) calendar month period.

(c) Mobile Food Units shall not operate within two hundred (200) feet of a residential property line when using a gas generator, diesel generator or the truck engine for power. Mobile Food Units that are plugged into a wall outlet for power may be permitted to operate within seventy-five (75) feet of a residential property line if it is deemed by the Building Commissioner that they will not create a nuisance and that they will meet the requirements of Chapter 634 of the North Royalton Codified Ordinances related to noise control.

(d) Mobile Food Units may operate or park for not longer than six (6) hours at any given time, including set up and tear down.

(e) Mobile Food Units shall not operate outside the hours of 11:00 a.m. to 8:00 p.m. local time.

(f) There shall not be more than two (2) Mobile Food Units in operation at a single location at a given time. If hosting two (2) Mobile Food Units at a single time, each unit will be counted separately towards the total permitted within a one (1) calendar month period.

845.08 ENFORCEMENT.

(a) Enforcement. The provisions of this chapter may be enforced by the North Royalton Police Department, Fire Department, or Building Division.

845.09 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.

845.10 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree; for a third or subsequent offense, such person shall be guilty of a misdemeanor of the second degree. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be

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sentenced in accordance with Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.