

**BUILDING & BUILDING CODES COMMITTEE MINUTES  
JANUARY 19, 2021**

The Building & Building Codes Committee meeting was held on January 19, 2021, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:42 p.m.

**PRESENT: Committee Members:** Chair Linda Barath, Vice Chair Jessica Fenos, Joanne Krejci **Council:** Paul Marnecheck, Vincent Weimer, Jeremy Dietrich, Mike Vos; **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly, Fire Chief Robert Chegan, Police Chief Ken Bilinovich, Economic Development Director Tom Jordan, Finance Director Eric Dean **Other:** Dan Langshaw, John Nickell, Jonah Pichette

**APPROVAL OF MINUTES**

Moved by Ms. Barath, seconded by Ms. Krejci to **approve the minutes for the November 17, 2020 Building and Building Code Committee meeting.** Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Food Truck**

Ms. Barath states handed out draft updated proposal.

Mr. Weimer states he read the proposal and agrees with what is written. I would like to make sure that we include the recommendations that Chief Chegan and the Fire Department sent.

Mr. Jordan states there are comments that I incorporated from the Law Department and the Building Department. The key one is that it is still a special event permit, and Section C, page 2, 1<sup>st</sup> paragraph, the major change with the draft that was provided to us, was that instead it being three times a month, it is now three times a week. Essentially, you can do it indefinitely through the summer. Where that is an issue is that it is no longer a special event permit, when it was acknowledged when the words special was stricken from most of it. Our comments are that it be limited to three consecutive days every 30 days or four times a year. It would be a much more limited basis for the food trucks. The second issue in this draft is the enforceability of the provision of the distance from the other food establishments. In our zoning code, you do or do not allow a use on a parcel, so you list the uses that are allowed on the parcel. Also, if you have a use, either you have a residential, adjacent parcel or have another zoning on the next parcel there is a setback from that parcel. If you were trying to establish a food use on a parcel, and it flooded a residential that use would be based on that use so many feet from the setback. To do 300 feet, you cannot establish the food truck from it under the zoning code, we really cannot enforce that. Food establishments are allowed to come in and out of private commercial properties. Typically, a retailer, if there is a strip mall will say that only one grocery store is allowed in this strip mall, and usually that is a restriction that they place in the lease agreement, but it is not in the zoning code. The owner of the parcel, the owner of the strip center, they are the applicant not the food truck, so he regulates what is on his parcel. If he wants to hinder the business of an existing food establishment within in by adding another one there, and he feels that it is helpful to them, that is up to him. If you allow food truck which we are doing, he is allowed to have a food truck and generate or not generate competition. I believe that the Law Director had commented on the earlier draft that particular one. It is no longer a special event; you acknowledge it by removing the word special. Our comment is that if you want to have food trucks that they be limited to special events and that it be on a less frequent basis than what was originally proposed.

Mr. Weimer states I would not be in favor of that legislation. The way it was provided to Council is the way that I expect to see it.

Mr. Jordan states our recommendation is that it is not really an enforceable thing for us to do with either draft. I think the point of contention is the frequency of allowing for the food trucks. From our view point, you are

establishing food trucks as an allowed right every week. What we were trying to do is just have food trucks be allowed on special events limited to this frequency a year.

Ms. Krejci states that the permit has to be requested through a business or a resident.

Mr. Dietrich states the fact that your testimony that other businesses are worried; I talked to them as well, I will speak for them, we want it to work for everybody. I think the way the structured it, I think that it is going to make that point void because the fact that it is a bricks and mortar business, they want that to enhance their business. It is not going to be another food company, we tried to put the distance in there. I think the way they structured it; it is a business that pays taxes.

Mr. Jordan states speaking with the Mayor and having comments with him, this is what it is coming down to, the level of frequency of a special event permit.

Mr. Marnecheck states I am a little uncomfortable with the frequency to making it potentially every weekend, every week.

Mayor states looking at this, I think if you pass the legislation the way it is, you take out the word “event”, it is no longer an event when it is every week. It should just say a food truck permit. I think that three times a week is way too much.

Ms. Barath states it sounds like the majority of Council is okay with the proposed changes. We will make the necessary changes and have it ready for next month’s meeting.

## 2. **Electric Vehicle Charging Station Grant**

Mr. Jordan states we are still waiting on the federal grant, I may hear in February. We haven’t received notification that we are eligible for an additional grant to get a second charging station here at City Hall. It is my understanding that we had a workshop last Friday that 100% of the design and the implementation of the station would be covered depending on some slight conditions. It is a more generous grant, this is through NOACA. The site was picked because we are between two interstates. This may be a quicker charge; there are three levels. One being the slowest, the second is more commercial property and third can charge more quickly, it would require its own electrical service which is expensive.

## 3. **Economic Development**

Mr. Jordan states there is a proposal to provide a market in the City once a month through the summer months. It is an open-air market like a farmer’s market. The proposal is to put it at the City Green. The application will be submitted under the current special event permit. North Royalton businesses can have stalls there, they are allowed to have food trucks as part of their permit. There is debate about having it Saturday during the day or Friday evening.

In the next Utilities meeting you will have an opportunity, if you have any questions to forward them to the Wastewater Division; if they renovate the existing sewer plant, if you want them to build a new sewer plant, you do not have to create a line to go down Abbey Road. If you want them to send the waste down on Abbey Road, if they send the waste down Abbey Road it would create a line that we would use to tap in to develop that portion of Abbey Road. The owner of the largest parcel Brian Bowman is still considering his development plan. From his point of view, he does have access to a sewer, however there had been a proposal which he is considering is to take York Delta out to Abbey Road. What he is now considering and suppose to submit to the City while we are considering these options is a plan to stub out York Delta, make about 4-5 acres developable at the end of that road by the Industrial Park and then take the balance of his 33 acres and make that accessible off of Abbey Road. It is either a stand-alone waste water line starting at the southern portion of Abbey Road or it is part of the upgrade to the B Plan. The other issue is that it has to go to Council

to the EPA, then they have to approve the plan, then they have to approve the timeline, then they have to develop the bids and specifications, and then we have to find funding.

Mr. Marnecheck states how does the various options impact the businesses on Abbey?

Mr. Jordan states it is a major change for them, they are currently on septic and limited to only develop a fraction of their current property.

Mr. Marnecheck states if we turn it into a pump station that makes it easier to accommodate them.

Mr. Jordan states if you make B just a pump station and sending it down to A, you are just tapping into that line for all the individual properties. I think the process is really about what you do with your sewer plant. If any North Royalton businesses have an issue during Covid with assistance they are welcome to contact us and we will try to find whether it is federal, state or county assistance that is offered. There has been two rounds of CARES Act funding. PPE has been the most generous assistance program in the history of the United States. A portion of the CARES Act funds was provided to the County, and they have turned some of that funding into grants. They had two programs to help businesses affected by Covid under certain regulation. They also had a specific program for a number of restaurants. I believe that \$250,000.00 or \$300,000.00 that has been provided under the CARES Act to North Royalton businesses. I know of eight businesses that took advantage of the County's small business rounds, they had three rounds. That door is not shut and there is another round coming.

#### 4. **2020 City Wide Master Plan Update/ Master Plan Memorial Park**

Mr. Jordan states there are two funded projects. We are shooting for the second week of February to hold the first meeting of the Master Plan Advisory Committee. The City has met with Envision, the hired contractor, we supplied them with all of the information on the prior Master Plan efforts from 2004 and 2014, discussed the successes and failures, they are still in the process of gathering some information demographically. The first meeting they will do initial presentation about what the Master Plan is, why we do it, the parameters of it, etc. It will be open to the public as COVID allows, it will also be through zoom. The Master Plan Memorial Park the first draft of the site plan was provided to the Administration, they are redrafting and they are going to do a presentation at the Rec Board by the end of the month. After Rec Board gives their input, there will be a presentation to Council. They would provide cost estimates of what the improvements would be and how they would fit them into the park.

#### **NEW BUSINESS**

#### **ADJOURNMENT**

Moved by Ms. Barath, seconded by Ms. Krejci **to adjourn the January 19, 2021 meeting.** Yeas: 3. Nays: 0.  
**Motion carried. Meeting adjourned at 7:44 p.m.**

<b>Chapter</b> <span style="background-color: yellow; color: black;">          </span>	
<b>Regulation of Mobile Food Units</b>	
<b>Purpose</b>	<b>Operation of Mobile Food</b>
<b>Definitions</b>	<b>Vehicles</b>
<b>Scope of Chapter</b>	<b>Enforcement</b>
<b>Mobile Food Unit Permit</b>	<b>Severability</b>
<b>Requirements</b>	<b>Penalty</b>

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**771.1 PURPOSE.**

~~WHEREAS, the City of North Royalton desires to promote economic development through the encouragement of vibrant entertainment alternatives, including accommodating the popularity and growth of the food truck industry.~~

Commented [t1]: This commentary is best employed in the "Whereas" clauses in the adopting ordinance

(a) City of North Royalton recognizes and supports the vitality and activity that is created by outdoor business activities at special events within the City and ~~to the benefit of special event mobile food services to City and local businesses events. However, the operation of such business or City special events requires careful consideration and review to ensure that such activities function in a manner as to create the aforementioned benefits without any undue negative effects.~~

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(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 limited mobile food services 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 permits for mobile food units and to establish minimum requirements for the permitting operation of such units as defined by the Ohio Fire Code.

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**771.2 DEFINITIONS.**

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

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(a) Food Establishment shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

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(b) Mobile Food Unit shall mean a Food Establishment that is located upon or within a vehicle including trucks, vans, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual consumption ~~portion service~~. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. This definition does not apply to "meals on wheels" program vehicles or food home delivery services.

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(c) ~~Special~~ Event for the purpose of this chapter, shall mean any outdoor activity or series of outdoor activities open to the public specific to an identifiable time and place most often produced in conjunction with community organizations, held on public property including street rights-of-way or a special business event located on ~~the~~ a business property.

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(d) ~~Special~~ Event Permit: Approval for a ~~Special~~ Event Permit is ~~provided~~ available by permit application ~~at through~~at the Building Department made by the property owner and an approved Mobile Food Unit vendor. ~~Special~~ Event Permits for Mobile Food Units shall be limited to 3 days every ~~calendar month~~ week at a business location. ~~The business location shall be limited to a maximum of 6 special event permits per calendar year.~~ Applications can be submitted on a monthly basis for up to two

Commented [t2]: Calendar month allow for tracking as opposed to trying to follow multiple 30 day moving calendars

Commented [j3R2]: OK. Change to just say calendar month

Commented [t4]: "maximum of"

consecutive months at one time. ~~North Royalton residents that have a one-time~~ food truck at their home for a private party are not required to file for a permit and exempt from this Ordinance.

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**771.3 SCOPE OF CHAPTER.**

Any Mobile Food Unit, as defined by the Ohio Fire Code, shall submit an application, signed by the Community sponsor or local business owner authorizing the use of the location, and obtain a ~~Special~~ Event Permit from the City of North Royalton Building Department prior to operating in the City of North Royalton. A Mobile Food Unit may not operate on public property, including within the right-of-way, or upon any other property within the City until ~~unless~~ it has passed a Fire Department inspection and obtained a ~~Special~~ Event Permit.

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**771.5 MOBILE FOOD UNIT REQUIREMENTS.**

(a) Each Mobile Food Unit shall contact the North Royalton Fire Department to schedule an inspection. ~~Inspections shall be conducted between Jan. 2 and April 30 each year at a cost of \$50 per inspection. If an inspection is scheduled after May 1, of a calendar year the fee required is \$100.~~ Inspections shall be conducted

Commented [t5]: In order to try to charge a greater fee for an inspection you would need to be able to justify the difference and show that the cost of the inspection is higher after May 1 because???? Otherwise the fee will need to be the same for all applicants at all times. Best to seek the input of the Fire Chief to determine what the actual cost is to the city to perform the inspection and issue a permit

(b) 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 this chapter of the North Royalton Codified Ordinances.

Commented [t6]:

(c) ~~Once the inspection has been completed it will be in effect for 1 calendar year. The inspection must take place two to four hours prior to the event at the location of the event.~~ All permits are issued for a specific calendar year and expire on December 31<sup>st</sup> of that year.

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(d) 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; and proof of insurance. Additional required documentation may include other certifications or federal, state or local licensure depending on the type of operation being conducted.

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

(f) Upon completion of the inspection, the owner or responsible party ~~patty~~ will be issued an inspection report detailing the findings of the inspection.

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(g) An 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.

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(j) An 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. Upon completion of the actions or repairs to the Mobile Food Unit, the owner or responsible party ~~patty~~ 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 the full fee as was required for the first inspection.

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

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(l) 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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(m) The City reserves the right at all times to require a Mobile Food Unit to relocate to alternate location or cease to operate as determined by the enforcement official ~~as stated in Section \_\_\_\_\_~~ if the approved location needs to be used for emergency purposes or other public benefit.

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

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**771.6 OPERATION OF MOBILE FOOD UNITS & REQUIREMENTS**

(a) Operation Without Operational Permit. No Mobile Food Unit shall be operated without a valid Mobile Food Unit operational sticker issued pursuant to this Chapter.

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(b) Unattended Vehicles Prohibited. No Mobile Food Vehicle shall be parked on the street overnight, ~~with the exception of City operated and sponsored events, 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.

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(c) A Mobile Food Unit operating at an unauthorized location, or beyond the dates, times, or hours of the Special Event has been permitted, shall be in violation of this section and may be subject to enforcement under ~~Section \_\_\_\_\_~~.

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(d) Any property owner that permits a Mobile Food Unit to operate or park on the property without a ~~Special~~ Event Permit or inspection sticker shall be in violation of this section and to enforcement under ~~Section \_\_\_\_\_~~.

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

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(f) ~~Mobile Food Units may not operate within 150 feet of a residential property house without consent of the property owner of the adjoining residential property.~~

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(g) ~~Mobile Food Units may operate or park for not longer than 4 (four)- hours at any given time.~~

Commented [t7]: This is likely to be difficult to enforce and adds another layer of complexity as it calls for the Bldg Dept to verify the ownership of the property in question and the consent of that entity or person or persons; better to simply place the limit for clarity of enforcement.

(h) ~~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 present an unsafe condition for any patron, pedestrians, or other vehicles.~~

Commented [j8R7]: Fine – just say “200 feet of a residential property.” Actually- change to 150 feet.

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

Commented [j9R7]:

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(j) ~~Except as may be allowed as part of a city-approved special event, mobile food vendors shall not be located within the adjacent parking lot and/or 200 feet of any existing food service establishment during its hours of operation. without prior written permission from the food service establishment, a copy of which shall be maintained in the mobile food vending units or structure.~~

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Commented [t10]: This provision also lends to difficulty in enforcement in that the Bldg Dept official would need to know the signature of the owner of the existing food service establishment to be able to verify the “permission”

**771.7 ENFORCEMENT.**

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

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**771.8 SEVERABILITY.**

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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.

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**771.9 PENALTY.**

(a) A violation of this chapter is a first-degree misdemeanor punishable as set forth in **Chapter 698.02** **Chapter** of the Codified Ordinance of the City of North Royalton.

(b) If such violator is a company or corporation, such organization shall be fined not more than three thousand dollars (\$3,000).

(c) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

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