

## "EXHIBIT A"

The purpose of this chapter is to provide regulation of mobile food vendors operating within the Village of Monroeville.

### **720.02 DEFINITIONS**

As used in this chapter:

- (a) "Mobile Food Unit" means any vehicle, apparatus, or equipment that is used to prepare, cook, or serve food primarily for immediate consumption, that routinely changes or can change location and is operated from a movable vehicle or apparatus, including but not limited to food trucks, trailers, pushcarts, canteen trucks, and coffee trucks.
- (b) "Mobile Food Unit" does not include "Meals on Wheels", ice cream trucks, home delivery of food, or mobile canteens set up by emergency or non-profit agencies for the purpose of providing relief during an emergency or natural disaster.
- (c) "Public property" includes all public streets, sidewalks, roadways, highways, parkways, alleys, public parks, public parking lots, any other public way, and any other property owned, leased, or operated by the Village.
- (d) "Vendor" means any person, firm, partnership, corporation, or other business engaged in the displaying, selling, offering for sale, or soliciting orders for the sale of food or beverages from a mobile food unit.
- (e) "Food" means raw, cooked, or processed edible substance, non-alcoholic beverage, or ingredient intended for use or for sale in whole or part for human consumption.

### **720.03 REGISTRATION AND PERMIT REQUIRED**

- (a) No vendor shall operate a mobile food unit with the Village of Monroeville, Ohio, without having first registered, obtained, and maintained a current permit for each mobile food unit in accordance with this chapter.
- (b) No vendor, having obtained a permit in accordance with this chapter, shall operate a mobile food unit except in accordance with the terms of the permit.

### **720.04 REGISTRATION APPLICATION AND FEE**

- (a) Any person, firm, partnership, corporation, or other business desiring to act as a vendor within the Village of Monroeville shall complete and submit a registration and application form at the Administrative Offices. Such registration and application shall be under oath as to the information contained therein and shall contain the following:

1. Name, date of birth, address, and telephone number of the person/entity who will own and/or operate the mobile food unit;
  2. A description of the mobile food unit to be used, together with a photograph thereof;
  3. A description of the nature of the business and the goods or services to be sold;
  4. The make, model, year, and current registration number of the mobile food unit;
  5. Certification from the Monroeville Fire Department (aka Huron River Joint Fire District) that the mobile food unit complies with all applicable federal, state, and local fire regulations. At any time during operation, any mobile food unit shall be subject to inspection by the fire department and to the regulations outlined in the Ohio Fire Code.
- (b) The registration and application shall be accompanied by a twenty-five-dollar fee (\$25.00), which shall be non-refundable.
- (c) No person shall submit a registration and application containing false or misleading information.

#### **720.05 ACTION UPON APPLICATION**

- (a) Within fourteen (14) business days from the date of application, the Village Administrator, or a designee, shall review the application and approve or reject the same.
- (b) If the application is approved, the Village Administrator, or a designee, shall issue a Vendor's Permit and proceed in accordance with Section 720.05(d).
- (c) If the application is denied, the Village Administrator, or a designee, shall, in writing, notify the applicant of the rejection and the reasons for the rejection. Said notice shall be sent by regular U.S. mail to the address listed on the application as the applicant's home address. Upon receipt of such notice, the applicant may request a hearing on the rejection by written request served upon the Village Administrator within ten (10) days of the mailing of the notice of rejection. Upon timely receipt of a request for a hearing, the Village Administrator shall conduct such a hearing within five (5) days and shall re-evaluate the application, taking into consideration any additional information provided, and proceed to either approve or deny the application. The Village Administrator shall issue a written decision within thirty (30) days of the hearing. The decision shall be sent to the applicant by regular U.S. mail to the address listed on the application as the applicant's home address.
- (d) Upon approval of the application, the Village Administrator shall issue a Vendor's Permit to the applicant, and each permit shall be entered into a registry of vendors.

#### **720.06 DURATION OF PERMITS, REVOCATION**

- (a) Permits issued pursuant to this chapter shall be valid for a period of one (1) year from the date of issuance unless revoked pursuant to this chapter.
- (b) The Village Administrator may revoke any permit if it is determined:
  - 1. That the permit holder provided false information during the application process;
  - 2. The permit holder has violated any provision of this chapter;
  - 3. The permit holder has been convicted of any felony or misdemeanor involving fraud, theft, or dishonesty in connection with the mobile food unit business; or
  - 4. The permit holder is conducting the permitted business in such a manner as to constitute a nuisance.

### **720.07 MOBILE FOOD UNITS ON PUBLIC PROPERTY**

- (a) No vendor shall operate a mobile food unit on public property without a permit providing for such operations issued by the Village Administrator. The permit shall set forth the location, dates, and times at which operations on public property are permitted.
- (b) In the event a vendor desires to operate a mobile food unit on public property and secure access to electric and/or water utility services from the Village, the vendor shall pay a fee of five dollars (\$5.00) per day for water service and five dollars (\$5.00) per day for electric service. The fees shall be in addition to the registration fee paid under section 720.04 and shall cover the costs of the use of the public property and the costs of utilities, if utilized by the vendor.
- (c) Any vendor operating a mobile food unit on public property shall, at the time of application, furnish proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and the Village from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license, in an amount of not less than one million dollars (\$1,000,000). Such insurance shall name the Village as an additional insured and shall provide that the policy shall not terminate or be canceled before the expiration date without thirty (30) days' advance written notice to the Village.

### **720.08 PROHIBITIONS**

- (a) No vendor shall conduct sales of alcoholic beverages in contravention of Chapter 529 of the Monroeville Codified Ordinances.
- (b) No vendor shall operate a mobile food unit for which a permit or license is required by any applicable local, state, or federal law or regulation without first obtaining such permit or license.
- (c) No vendor shall operate a mobile food unit in violation of any provision of this chapter.

- (d) No vendor operating a mobile food unit shall fail to register, withhold, and pay municipal income taxes as required by Chapter 718 of the Ohio Revised Code and Chapter 181 of the Monroeville Codified Ordinances.
- (e) Except where the property involved is public property or when authorization has been obtained pursuant to Section 720.10, no vendor shall operate a mobile food unit from property or in areas zoned R-1, R-2, or R-3.
- (f) No vendor shall operate a mobile food unit before **10:00 am** or after **8:00 pm** on **weekdays, and 10:00 am to 10:00 pm on Friday and Saturday**, except when operated as part of an organized festival authorized by the Village.
- (g) No vendor operating a mobile food unit shall fail to relocate their mobile food unit to an alternate location if the vendor's current location is required by the Village for public safety, emergency, or other public benefit.
- (h) No vendor operating a mobile food unit shall fail to relocate their mobile food unit to an alternate location after a period of forty (40) consecutive days pursuant to Section 3717.01 of the Ohio Revised Code.
- (i) No vendor operating a mobile food unit shall utilize any free-standing signage, except one (1) menu board with a maximum size of six (6) square feet placed immediately adjacent to the mobile food unit.
- (j) No food trucks shall discharge wastewater, sewage, or grease into the Village storm water or sewage drainage systems.
- (k) No vendor shall utilize loudspeakers or other noise-making devices in such a way as to create a nuisance or be in violation of the Village's noise ordinance.
- (l) No food truck shall operate within twenty (20) feet of a building located within the Village.
- (m) No vendor shall cause a food truck to operate in any municipal park, playground, or other municipal grounds without prior written consent of the Village Administrator or their duly authorized agent.
- (n) Vendors operating on private or public property shall be required to maintain a minimum separation of twenty-five (25) feet from any other mobile food unit or food business, and a minimum of fifteen (15) feet from any fire hydrant.

## **720.09 GENERAL REQUIREMENTS**

- (a) All vendors operating within the Village must keep the surrounding area immediately adjacent to the food truck clean, and must timely and properly dispose of all waste generated from the operation.
- (b) All vendors shall only offer food for sale.
- (c) All vendors shall position their food trucks in a manner that does not hinder the flow of vehicular or pedestrian traffic and/or cause a parking problem on the property.
- (d) All vendors shall exercise reasonable care to ensure that operations do not create a health or safety hazard.

### **720.10 OPERATION IN RESIDENTIAL DISTRICTS**

The Village Administrator may authorize the operation of mobile food units on non-public property zoned or located in areas zoned R-1, R-2, or R-3, in conjunction with private or public events otherwise permitted in such zones. The Village Administrator shall place reasonable regulations upon such operations. No mobile food unit shall be operated pursuant to this section before 10:00 am or after 10:00 pm.

### **720.11 OPERATION DURING FESTIVALS**

Mobile food units operating during and as a part of any organized festival authorized by the Village shall be exempt from paying the registration fee required under Section 720.04.

### **720.99 PENALTY AND ENFORCEMENT**

- (a) Whoever violates sections 720.03 shall be guilty of a minor misdemeanor. Each sale or attempted sale made by any person in violation of said sections shall be deemed a distinct and separate offense. Having previously been convicted of a violation of this section, each subsequent offense shall be a misdemeanor of the fourth degree.
- (b) Whoever violates any other provisions of this chapter shall be guilty of a misdemeanor of the fourth degree on the first offense. Each sale or attempted sale made by any person in violation of this chapter shall be deemed a distinct and separate offense.
- (c) Upon conviction of any person under this chapter, the Village shall revoke the registration and permit of any such person. Any person convicted of a violation of this chapter shall be prohibited from obtaining a registration card or permit for a period of five (5) years following the date of the conviction.