

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
SEPTEMBER 23, 2019
8:00 PM**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. REPORT OF MAYOR
4. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS
5. REPORT OF SCHOOL DISTRICT
6. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS
7. REPORT OF COMMITTEES
8. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION
 1. ORDINANCE 18-19 CREATING NEW CHAPTER 1570 "REGULATION OF MOBILE FOOD UNITS" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
9. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS
10. COMMUNICATIONS OF CITY COUNCIL
11. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 18-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

September 23, 2019

AN ORDINANCE

~~CREATING NEW CHAPTER 1570 "REGULATION OF MOBILE FOOD UNITS" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.~~

WHEREAS, there has been an increase in the operation of independent "Food Trucks" throughout the community; and

WHEREAS, in order to provide for the safety of the operators and patrons of these vendors, the Fire Department would like to add regulations to the Fire Prevention Code; and

WHEREAS, this will allow the regulation of the operation of these businesses by requiring annual safety inspections, a process for securing a permit, and, where and when a Food Truck can operate within the City of South Euclid.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of South Euclid, Ohio:

Section 1. That Chapter 1570 "Regulation of Mobile Food Units" of Part Fifteen "Fire Prevention Code" of the Codified Ordinances of the City of South Euclid, Ohio is hereby created to read as follows:

**CHAPTER 1570
Regulation of Mobile Food Units**

1570.01 PURPOSE.

(a) South Euclid recognizes and supports the vitality and activity that is created by outdoor business activities at special events within the City and in other locations and to permit seasonal mobile food services to City businesses. However, the operation of such business or other uses on public and private property or within public street rights-of-way requires careful consideration and review to ensure that such uses function in a manner as to create the aforementioned benefits without any undue negative effects.

(b) The purpose of establishing these regulations is to create a pleasant and vibrant environment for visitors and residents, to provide an opportunity for limited operations in park and business areas, 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.

1570.02 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) *Mobile Food Unit* shall mean a Food Establishment that is located upon a vehicle including 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, 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.

(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.

(d) *Annual Vendor Permit:* Vendors that anticipate regularly operating mobile food units within South Euclid during the calendar year may obtain an inspection permit sticker after following all required inspection requirements to be pre-approved for the year.

(e) *Special Event Permit:* Approval for a Special Event Permit is provided through the Community Development Department and vendors are subject to the requirements of the "Food Application Contract" after obtaining required Annual Vendor Permit Fire Department inspection approval.

1570.03 SCOPE OF CHAPTER.

Any Mobile Food Unit as defined by the Ohio Fire Code shall submit an application and obtain either an Annual Vendor Permit or a Special Event Permit from the South Euclid Fire Department prior to operating in the City of South Euclid. A Mobile Food Unit may not operate on public or private property, including the right-of-way, unless it has passed a Fire Department inspection.

1570.04 MOBILE FOOD UNIT REQUIREMENTS.

Each Mobile Food Unit may contact the South Euclid Fire Department to schedule an annual inspection beginning on January 2 of each year. All inspections shall be scheduled between the hours of 7:00am-3:00pm Monday through Thursday. Annual inspections scheduled between the dates of January 2 and May 31 of each year will hold a \$25.00 annual fee. Annual inspections scheduled after May 31 of each year will require a \$50.00 permit fee. The Chief, Assistant Chief or designee of the South Euclid 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 South Euclid Codified Ordinances. The inspection will take place at the South Euclid Fire Department, located at 1349 South Green Road, South Euclid, Ohio 44121.

(a) 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.

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

(c) Upon completion of the inspection, the owner or responsible party will be issued an inspection report detailing the findings of the inspection. An inspection report indicating Passing in all fields will be accompanied with an inspection permit sticker which will indicate that the Mobile Food Unit has been permitted and inspected in the given year. 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 can then schedule a re-inspection with the Fire Chief, Assistant Fire Chief or designee to show compliance with the original inspection report deficiencies. Upon successful reinspection, the Mobile Food Unit will be issued an inspection permit sticker to indicate compliance with the annual inspection. Any change in the originally inspected vehicle's cooking arrangement, or cooking fuel supply system will require a reinspection which will be free of charge.

(d) Each permit issued will expire on December 31 of the year being issued, requiring a reinspection in the following year prior to operating in the City of South Euclid.

(e) On-site inspections may be performed by authorized Fire Department officials/members at their discretion any time the Mobile Food Unit is operating in the South Euclid jurisdictional boundaries.

(f) The City reserves the right to require a Mobile Food Unit to relocate to an alternate location as determined by the enforcement official as stated in Section 311.02 if the approved location needs to be used for emergency purposes, other public benefit, or is deemed to be unsafe due to its proximity to a building or due to it impeding vehicular, pedestrian, or bicycle traffic.

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

1570.05 OPERATION OF MOBILE FOOD UNITS.

(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.

(b) Unattended Vehicles Prohibited. No Mobile Food Vehicle shall be parked on the street overnight, or left unattended and 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) A Mobile Food Unit operating at an unauthorized location, or beyond the hours for which the Special Event has been permitted, shall be deemed operating without an inspection permit sticker in violation of this section and may be subject to enforcement under Section 311.02.

1570.06 ENFORCEMENT.

The provisions of this chapter may be enforced by the South Euclid Police Department, the South Euclid Fire Department, or the Mayor.

1570.07 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.

1570.99 PENALTY.

A violation of this chapter for which no penalty is specified is a minor misdemeanor and punishable to the same extent as set forth in Chapter 1510, Sections 1510.99 of the Codified Ordinances of South Euclid.

Section 2: That is hereby found and determined that all formal actions of this council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law