

ORDINANCE NO. 2019-12
INTRODUCED BY: Mayor Bodnar

**AN EMERGENCY ORDINANCE REPEALING ORDINANCE NO. 2019-03
AND ENACTING CHAPTER 770
IN ORDER TO REGULATE MOBILE FOOD UNITS**

WHEREAS, it has been deemed in the best interest of the health, safety and welfare of all Village residents and inhabitants to regulate mobile food units within the Village of Mayfield; Council passed Ordinance No. 2019-03 on January 28, 2019, enacting Chapter 771 titled Regulation of Mobile Food Units; and

WHEREAS, upon codification, it was discovered that Chapter 771 already exists in the Codified Ordinances, namely, Medical Marijuana; and

WHEREAS, new Chapter 770 has been created to replace the previous Chapter 771 which already existed in the Codified Ordinances; and

WHEREAS, it is necessary to repeal Ordinance No. 2019-03 passed by Mayfield Village Council on January 28, 2019 and to replace it with this Ordinance, No. 2019-12.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:

SECTION 1. Chapter 770 of the Village's Codified Ordinances is enacted to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. Ordinance No. 2019-03 passed by Mayfield Village Council on January 28, 2019 is hereby repealed.

SECTION 3. That any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 4. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 5. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of health, safety and welfare of the residents of Mayfield Village, Ohio, for the reason that it will provide the codifier and the public with notice of all current ordinance numbers of the Village and the annual inspection process provided for in the regulations has already begun for 2019. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.

JOSEPH M. SAPONARO
Council President

First Reading: _____, 2019

Second Reading: _____, 2019

Third Reading: _____, 2019

PASSED: _____, 2019

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

CHAPTER 770
Regulation of Mobile Food Units

770.01 Purpose	770.05 Operation of Mobile Food Vehicles
770.02 Definitions	770.06 Enforcement
770.03 Scope of Chapter	770.07 Severability
770.04 Mobile Food Unit Permit Requirements	770.99 Penalty

770.01 PURPOSE.

(a) Mayfield Village recognizes and supports the vitality and activity that is created by outdoor business activities at special events within the Village and in other locations and to permit seasonal mobile food services to Village businesses. However, the operation of such business or other uses on public 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.

770.02 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 Mayfield Village 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 Recreation Department and vendors are subject to the requirements of the "Food

Application Contract” after obtaining required Annual Vendor Permit Fire Department inspection approval.

770.03 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 Mayfield Village Fire Department prior to operating in Mayfield Village. A Mobile Food Unit may not operate on public property, including the right-of-way, unless it has passed a Fire Department inspection.

770.04 MOBILE FOOD UNIT REQUIREMENTS.

(a) Each Mobile Food Unit may contact the Mayfield Village Fire Department to schedule an annual inspection beginning on January 2 of each year. All inspections shall be scheduled between the hours 0700-1500 hours Monday through Friday.

(b) Annual inspections scheduled between the dates of January 2 and May 31 of each year will be free of charge.

(c) Annual inspections scheduled after May 31 of each year will require a \$100.00 permit fee.

(d) The Chief, Assistant Chief or designee of the Mayfield Village 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 Mayfield Village Codified Ordinances.

(e) The inspection will take place at the Mayfield Village Fire Department, located at 770 SOM Center Rd., Mayfield Village, Ohio, 44143.

(f) 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.

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

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

(i) 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.

(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 can then schedule a re-inspection with the Fire Chief, Assistant Fire Chief or designee to show compliance with the original inspection report deficiencies.

(k) Upon successful reinspection, the Mobile Food Unit will be issued an inspection permit sticker to indicate compliance with the annual inspection.

(l) 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.

(m) Each permit issued will expire on December 31 of the year being issued, requiring a reinspection in the following year prior to operating in Mayfield Village.

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

(o) The Village 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 770.06 if the approved location needs to be used for emergency purposes or other public benefit.

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

770.05 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 770.06.

770.06 ENFORCEMENT.

(a) Enforcement. The provisions of this chapter may be enforced by the Mayfield Village Police Department, the Mayfield Village Fire Department, or the Mayor.

770.07 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.

770.99 PENALTY.

(a) 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 1501, Sections 1501.05 and 1501.99 of the Codified Ordinances of Mayfield Village.