

Anderson, Bullock, George,  
Litten, O'Leary, Rader

ORDINANCE NO. 44-18

BY:

AN ORDINANCE enacting Chapter 743, Mobile Food Service Operation, of the Lakewood Codified Ordinances to establish regulations on food trucks operating within the City.

WHEREAS, this Council sees a need to adopt regulations to ensure that food trucks operating within the City do so according to the most up-to-date standards of safety, sanitation, and liability while also balancing the interests of the restaurant community; and,

WHEREAS, the food truck industry has grown considerably in recent years, generating an estimated \$2.7 billion in revenue in 2017; and,

WHEREAS, over the past several years food trucks have played a key role in the success of many signature community events, offering a wide variety of fare to residents and visitors; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Chapter 743, Mobile Food Service Operation, shall be enacted to read as follows:

**CHAPTER 743**  
**Mobile Food Service Operation**

743.01 Definitions.  
743.02 Operation in Right of Way; Public Property.  
743.03 Mobile Food Service Operation Permit.  
743.04 General Regulations.  
743.99 Penalty.

**743.01 DEFINITIONS.**

As used in this Chapter:

- (a) "Food" shall mean a raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or part for human consumption.
- (b) "Mobile food service operation" means a food service operation required to be licensed under Ohio Revised Code that is operated from a single movable vehicle or portable structure and that routinely changes location.
- (c) "Mobile food service operation permit" shall mean the permit issued by the Division of Building and Housing pursuant to this Chapter.

(d) "Food service operation license" means the official document issued by the Cuyahoga County Board of Health or by another jurisdiction's health district with the authority to license food service operations.

**743.02 OPERATION IN RIGHT OF WAY; PUBLIC PROPERTY.**

(a) Consistent with Section 741.07, no person shall cause a mobile food service operator to operate on any public street or sidewalk within the City while such public street or sidewalk is open to normal public use.

(b) No person shall cause a mobile food service operator to operate on any public street or sidewalk within the City unless the mobile food service operation has an existing agreement to participate in a permitted parade or special event pursuant to Chapter 557.

(b) No person shall cause a mobile food service operator to operate on public property, including public parks, unless the mobile food service operation has an existing agreement to participate in a permitted parade or special event pursuant to Chapter 557 or has otherwise received written permission from the Director of Public Safety.

**743.03 MOBILE FOOD SERVICE OPERATION PERMIT.**

(a) No person shall cause a mobile food service operator to operate in the City unless the operator has received a mobile food service operation permit from the City.

(b) An application for a mobile food service permit shall be submitted to the Division of Housing and Building on a form provided by the Director of Public Safety. Applicants must provide the following documentation upon submittal of the permit application:

(1) A copy of a current mobile food service operation license;

(2) Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000.00 per occurrence, and naming the City as an additional insured, in a form that provides that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City; and

(3) Written permission from the property owner to operate on private property.

(c) The application fee for all mobile food service operation permits shall be \$150.00, except that the fee for a mobile food service operation operating as an extension of a retail food establishment or food service operation located within the City shall be \$50.00.

(d) Upon receipt of the completed application, the Division of Housing and Building shall tender it to the Division of Fire, which shall inspect the mobile food service operation to ensure it complies with then-current fire and safety standards promulgated by the Chief of Fire, and, upon completion, issue a certification of compliance to the Division of Housing and Building. Upon receipt of the certification from the Division of Fire, the Division of Housing and Building shall issue the mobile food service operation permit to the applicant, except that the Division of Housing and Building is not required to issue a mobile food ser-

vice operation permit fewer than 10 days after receipt of a completed application.

(e) Mobile food service operation permits are effective on a calendar-year basis, shall expire on December 31 of each year, and are not transferable.

(f) No person shall cause a mobile food service operator to operate in the City, and the City may revoke the operator's mobile food service operation permit, if the operator's food service operation license has been suspended, canceled or revoked, or if the operator fails to maintain compliance with all regulations imposed by the Department of Public Safety, the Ohio Department of Health, the Cuyahoga County Board of Health or any other local, state or federal agencies.

#### **743.04 GENERAL REGULATIONS.**

(a) No person shall cause a mobile food service operator to:

(1) Sell food items, display food items, or conduct vending operations to the occupants of vehicles stopped in traffic;

(2) Display food items or place lines or other devices for the display of food items on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture;

(3) Place any food items in or upon any street or sidewalk;

(4) Leave a vending device unattended at any time during hours of operation;

(5) Utilize loud speakers or other noise-making devices in such a way to create a nuisance; or

(6) Conduct business without making available a container suitable for the placement of litter.

(b) All mobile food service operations must:

(1) Conspicuously display evidence of their mobile food service operation permit issued pursuant to this Chapter;

(2) Be constructed to internally store and contain all waste water for proper disposal, to prevent ground water contamination, and to prevent discharge of any waste water onto the ground or into any storm water sewer within the City;

(3) Obey any lawful order of a police officer to relocate to avoid congestion or obstruction during an emergency;

(4) Comply with all requirements of applicable state and local law, including, without limitation, the City's fire prevention code, the State of Ohio fire code, the Ohio Uniform Food Safety Code, and the City's traffic and zoning codes;

(5) Exercise reasonable care to ensure that operations do not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property; and

(6) Operate at all times in accordance with the Ohio Uniform Food Safety Code.

**743.99 PENALTY.**

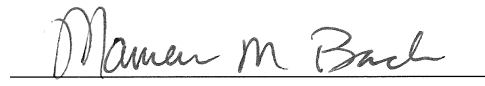
Whoever violates any provision of this Chapter is guilty of a minor misdemeanor for a first offense, and for a second or subsequent offense, shall be guilty of a misdemeanor of the fourth degree.

Section 2. Chapter 743 shall become effective January 1, 2020.

Section 3. It is 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 such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: 3/4/19

  
PRESIDENT

  
CLERK

Approved: March 5 2019

  
MAYOR