

**CITY OF STRONGSVILLE, OHIO**

**ORDINANCE NO. 2021 – 063**

**By: Mayor Perciak and All Members of Council**

**AN ORDINANCE ENACTING A NEW CHAPTER 862 ENTITLED “MOBILE FOOD SERVICE OPERATION” OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAX CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY, AS AMENDED.**

WHEREAS, mobile food service operations have grown in popularity and use in recent years; and

WHEREAS, this Council feels that it is necessary to adopt regulations to ensure that mobile food service operations operating within the City of Strongsville are doing so according to the relevant standards of safety and sanitation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

**Section 1.** That this Council hereby enacts a new Chapter 862 entitled “Mobile Food Service Operation” of Title Two of Part Eight, Business Regulation and Tax Code, of the Codified Ordinances of the City of Strongsville to read in its entirety as follows:

**CHAPTER 862  
MOBILE FOOD SERVICE OPERATION**

**862.01 Definitions.**

**862.02 Operation in Right of Way; Public property.**

**862.03 Special permitted use.**

**862.04 Mobile food service operation permit.**

**862.05 Revocation or suspension of permit.**

**862.06 General regulations.**

**862.99 Penalty.**

**862.01 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 that is operated from a movable vehicle or portable structure that offers food for sale to the public.

(c) “Mobile food service operation permit” shall mean the permit issued by the Building Department pursuant to this Chapter.

(d) “Food service operation license” means the official document issued by the Cuyahoga County Board of Health or by any other governmental agency with the authority to license food service operations.

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

(a) No person shall cause a mobile food service operation to operate on any public street or sidewalk within the City while such public street or sidewalk is open to normal public use. This Section is not applicable to a licensed "Vendor" engaging in "Street Vending" as set forth in Chapter 860 of the Strongsville Codified Ordinances.

(b) No person shall cause a mobile food service operation to operate in any municipal park, municipal playground or other municipal grounds or buildings without the prior written consent of the Director of Public Safety or his duly authorized agent.

**862.03 SPECIAL PERMITTED USE.**

Mobile food service operations may be permitted on private property with the written approval of the property owner. ~~only in the following Zoning Districts: Public Facilities District, Local Business District, General Business District, Motorist Service District, Restaurant, Recreational Services District, Office Building District, Research Development District, Commercial Service District, General Industrial District and Shopping Center District.~~

**862.04 MOBILE FOOD SERVICE OPERATION PERMIT.**

(a) No person shall operate or permit the operation of a mobile food service operation in the City **pursuant to Section 862.03** unless the operator has received and maintains a mobile food service operation permit from the City.

(b) An application for a mobile food service operation permit shall be submitted to the Building Commissioner on a form provided by the Building Department. 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;
- (3) Written permission from the property owner to operate on the private property where the mobile food service operation is proposed to be conducted; and
- (4) A site plan showing the proposed location of the mobile food service operation.

(c) The application fee for ~~all~~**a** mobile food service operation permits shall be \$150.00. **In the event that a mobile food service operation shall use more than one (1) vehicle, then there shall be an additional fee of \$75.00** for each vehicle used in the mobile food service operation.

(d) Upon receipt of the completed application **and payment of the application fee**, the Building Commissioner shall forward it to the Fire Department, which shall inspect the mobile food service operation to ensure it complies with then-current fire and safety standards promulgated by the Fire Department. Upon completion of its review, the Fire Department shall issue a certification of compliance to the Building Department. Upon receipt of the certification from the Fire Department, the determination of the Building Commissioner and compliance with

all other requirements, the Building Commissioner may issue the mobile food service operation permit to the Applicant. The City shall act to approve or deny an application for a permit under this Chapter within a reasonable period of time, and in no event shall the City act to approve or deny such permit later than twenty-one (21) days from the date the application was filed with the Building Department.

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

(f) No property owner shall permit a mobile food service operation on its property unless the Operator has obtained and maintains a valid mobile food service operation permit from the City.

**862.05 REVOCATION OR SUSPENSION OF PERMIT.**

(a) Any mobile food service operation permit may be revoked or suspended, after notice and hearing, if any of the following occur:

- (1) Upon the suspension, cancellation or revocation of the mobile food service operation's food service operation license;
- (2) Upon the failure of the mobile food service operation to maintain liability insurance as required in Section 862.04(b)(2) herein;
- (3) When the mobile food service operation no longer has permission from the property owner where the mobile food service operation is conducted to use said property;
- (4) For any violation of the regulations set forth in this Chapter;
- (5) For any violation of any pertinent federal, state and local laws or regulations; and
- (6) Upon the determination by the Fire Department or Building Department that the mobile food service operation poses a risk to the health, welfare and/or safety of the community.

(b) Such revocation or suspension hearings shall be before the Director of Public Safety and the Director's decision shall be final. The Director of Public Safety may promulgate rules and regulations in regards to such hearings.

**862.06 GENERAL REGULATIONS.**

(a) No person shall cause or permit a mobile food service operation to:

- (1) Sell food items, display food items or conduct vending operations to the occupants of vehicles stopped in traffic on a public street or a sidewalk;
- (2) Display food items or place signs or other devices for the display of food items on any building or on any utility pole, planter, tree, trash container or sidewalk fixture or in the City right-of-way;
- (3) Place any food items in or upon any street or sidewalk;
- (4) Leave the mobile food service operation unattended at any time during hours of operation;
- (5) Operate any vending device that does not comply with the Liquefied Petroleum Gas Code, NFPA 58, as promulgated by the National Fire Protection Association and all other applicable Fire and Building Code regulations;



- (6) Make any loud or unreasonable noise for the purpose of advertising or drawing attention to its mobile food service operation or for any other purpose;
  - (7) Conduct business without making available a container suitable for the placement of waste, trash and/or litter;
  - (8) Throw or deposit any merchandise, packaging, containers, fat, grease, paper or other litter on any street, sidewalk, private property and/or in any sewer;
  - (9) Use or place on-site amenities **for customer use**, like tables and chairs, as part of the mobile food service operation; and
  - (10) Obstruct or in any way hinder the flow of vehicular or pedestrian traffic and/or cause a parking problem on the property.
- (b) All mobile food service operations must comply with the following:
- (1) Can only operate between the hours of 8:00 a.m. to 11:00 p.m.;
  - (2) Conspicuously display evidence of their mobile food service operation permit issued pursuant to this Chapter;
  - (3) Be constructed to internally store and contain all waste water and grease for proper disposal, to prevent discharge of any waste water or grease onto the ground or into any storm sewer within the City;
  - (4) Obey any lawful order of a police officer or Fire Department personnel to relocate to avoid congestion, obstruction during an emergency and/or for any unsafe condition;
  - (5) 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 Codes;
  - (6) Exercise reasonable care to ensure that operations do not create a health or safety hazard;
  - (7) Keep the premises where the mobile food service operation is conducted clean during the hours of operation and remove all waste, trash and/or litter at the close of business each day; and
  - (8) Maintain a minimum separation of ten (10) feet between vehicles and/or equipment, and shall not be parked or operated within twenty (20) feet of a building.

**862.99 PENALTY.**

Whoever violates any provision of this Chapter is guilty of a fourth (4<sup>th</sup>) degree misdemeanor. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

**Section 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to update the City's municipal Code in order

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to provide for the regulation of mobile food service operations within the City of Strongsville. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

Mark Schuch  
President of Council

Approved: Thomas S. Brier  
Mayor

Date Passed: 5/17/21

Date Approved: May 17, 2021

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	<u>      </u>
DeMio	<u>✓</u>	<u>      </u>
Kaminski	<u>✓</u>	<u>      </u>
Kosek	<u>✓</u>	<u>      </u>
Roff	<u>✓</u>	<u>      </u>
Schonhut	<u>✓</u>	<u>      </u>
Short	<u>✓</u>	<u>      </u>

Attest: Aimee Pientka  
Clerk of Council

ORD. No.	<u>2021-063</u>	Amended:	<u>05/17/21</u>
1st Rdg.	<u>04/19/21</u>	Ref:	<u>PS+C</u>
2nd Rdg.	<u>05/03/21</u>	Ref:	<u>PS+C</u>
3rd Rdg.	<u>05/17/21</u>	Ref:	<u>      </u>

Pub Hrg.	<u>      </u>	Ref:	<u>      </u>
Adopted:	<u>05/17/21</u>	Repealed:	<u>      </u>