

CITY OF CHEVIOT
STATE OF OHIO

ORDINANCE NO. 23-23

TO AMEND SECTIONS 114.01, 114.02, 114.03, AND 114.04 OF THE CHEVIOT CODE OF ORDINANCES CHAPTER 114: MOBILE FOOD VENDORS.

WHEREAS, this Council has determined that regulation of mobile food vendors, also known as food trucks, needs updating since the original regulations were originally passed in 2015; and

WHEREAS, this Council desires to allow local City businesses to obtain annual permits to allow mobile food vendors to operate near the local business; and

WHEREAS, this Council desires to allow mobile food vendors the option to obtain single day or annual permits, or to operate under an annual business permit obtained by a City business;

WHEREAS, this Council wishes to reduce the notice needed for a mobile food vendor to apply for a permit outside of the Designated Food Truck Area; and

WHEREAS, Cheviot Code of Ordinances, Sections 114.01 General Authorization and Definitions, 114.02 Designated Zones, 114.03 Operating Restrictions, and 114.04, Application and Licensing, currently read as follows in the attached Exhibit "A," which is incorporated herein; and

WHEREAS, Cheviot Code of Ordinances Sections 114.01 General Authorization and Definitions, 114.02 Designated Zones, 114.03 Operating Restrictions, and 114.04, Application and Licensing, shall be amended as set forth in the attached Exhibit "B," which is incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, THAT:

Section 1. Cheviot Code of Ordinances, Section 114.01(B), General Authorization and Definitions, is hereby amended to add Subsection (4) as follows:

- (4) **CITY BUSINESS.** Any person or entity that operates a brick and mortar business in a building that is located within the City of Cheviot's boundaries. This does not include a business that operates in a mobile or transient structure.

Section 2. The full text of amended Cheviot Code of Ordinances, Section 114.01, General Authorization and Definitions, is set forth in the attached Exhibit "B," which is incorporated herein.

Section 3. The prior version of Cheviot Code of Ordinances, Section 114.01, General Authorization and Definitions, is set forth in the attached Exhibit "A," which is incorporated herein, is hereby repealed.

Section 4. Cheviot Code of Ordinances, Section 114.02(C), Designated Zones, is hereby amended as follows:

- (C) In addition to the five designate zones listed above, mobile food and beverage vending units may operate on privately owned property in the Business District of the city with the written consent of the property owner. Upon a written request at least 72 hours in

advance from the Safety-Service Director, a mobile food and beverage vending unit may, where warranted, receive permission to operate outside of a designated zone.

Section 5. The full text of amended Cheviot Code of Ordinances, Cheviot Code of Ordinances, Section 114.02, Designated Zones, is set forth in the attached Exhibit "B," which is incorporated herein.

Section 6. The prior version of Cheviot Code of Ordinances, Cheviot Code of Ordinances, Section 114.02, Designated Zones, is set forth in the attached Exhibit "A," which is incorporated herein, is hereby repealed.

Section 7. Cheviot Code of Ordinances Section 114.03, Operating Restrictions, Subsections (C) and (D) are hereby amended as follows:

(C) No mobile food and beverage vending unit or mobile food and beverage vendor may operate during the hours of 3:00 a.m. through 5:30 a.m. Mobile food and beverage vending units and mobile food and beverage vendor shall not occupy any space in a designated zone outside of the authorized operating hours. Mobile Food Vendors shall not park overnight in business district.

(D) Spaces within the designated zones shall be available on a first-come, first-served basis each day. The issuance of a permit under this chapter does not guarantee access to a particular location, nor does it guarantee that space will be available. Mobile Food Vendors operating under a permit issued to a City Business must also comply with Subsection (Q) herein.

Section 8. Cheviot Code of Ordinances Section 114.03, Operating Restrictions is hereby amended to add Subsections (Q) and (R) as follows:

(Q) If a Mobile Food Vendor is operating under a permit held by a City Business, the Mobile Food Vendor shall park within 25 feet of the City Business's main entrance.

(R) The City Business shall provide a trash receptacle, or ensure that the Mobile Food Vendor provides a trash receptacle, for any Mobile Food Vendor operating under the City Business's annual permit.

Section 9. The full text of amended Cheviot Code of Ordinances, Cheviot Code of Ordinances, Section 114.03, Operating Restrictions, is set forth in the attached Exhibit "B," which is incorporated herein.

Section 10. The prior version of Cheviot Code of Ordinances, Cheviot Code of Ordinances, Section 114.03, Operating Restrictions, is set forth in the attached Exhibit "A," which is incorporated herein, is hereby repealed.

Section 11. Cheviot Code of Ordinances, Section 114.04(A)(6), Application and Licensing, is hereby amended as follows:

(6) Include a copy of the applicant's current food service license issued by the Hamilton County Department of Health, if the applicant is a Mobile Food Vendor.

Section 12. Cheviot Code of Ordinances, Section 114.04(C), Application and Licensing, is hereby amended as follows:

(C) A non-refundable application fee of shall accompany the application by each applicant for a revocable street privilege under this section, pursuant to the schedule of fees below:

- (1) Single Day Permit – Mobile Food Vendor - \$30.00/day
- (2) Annual Permit – Mobile Food Vendor - \$150.00/year
- (3) Annual Permit – City Business - \$250.00/year

Section 13. Cheviot Code of Ordinances, Section 114.04(D), Application and Licensing, is hereby amended as follows:

(D) If a revocable street privilege is issued, it shall be for the term specified on the permit (Single Day or Annual). The revocable street privilege may be renewed upon expiration for new term and the fee set forth in Section 114.04(C), provided that the Mobile Food Vendor or City Business seeking renewal is in full compliance with all regulations in this chapter, has no pending violations, and has not allowed a previously issued privilege to lapse.

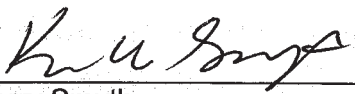
Section 14. Cheviot Code of Ordinances, Section 114.04(G), Application and Licensing, is hereby amended as follows:

(G) Except with respect to City Businesses, defined in Section 114.01(B)(4), who obtain an Annual Permit, revocable street privileges for mobile food and beverage vendors are nontransferable. City Businesses may obtain an annual permit to invite Mobile Food Vendors to operate in a Designated Area in connection with the City Business's business and under the City Business's permit. The City Business Permit may only be used by one Mobile Food Vendor at a time, and the permit shall count toward the limit of permits issued annually. City Business permit holders shall notify the Safety-Service Director in advance of the name, contact information, and dates of permit use for any Mobile Food Vendor operating under the City Business's Annual Permit. The City Business must indemnify the City of Cheviot for any liability related to Mobile Food Vendor's operation under the permit held by the City Business.

Section 15. The full text of amended Cheviot Code of Ordinances, Cheviot Code of Ordinances, Section 114.04, Application and Licensing, is set forth in the attached Exhibit "B," which is incorporated herein.

Section 16. The prior version of Cheviot Code of Ordinances, Cheviot Code of Ordinances, Section 114.04, Application and Licensing, is set forth in the attached Exhibit "A," which is incorporated herein, is hereby repealed.

Section 17. This Ordinance shall be in effect at the earliest time allowed by law.



Kerry Smyth
President of Council

1/16/24

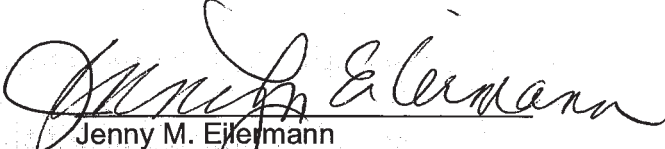
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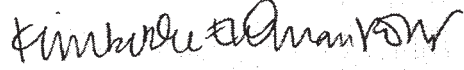
Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:


Jenny M. Eilermann
Clerk of Council


Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Cincinnati Court Index*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) 1-5, 2024, and
- 2) 1-12, 2024.

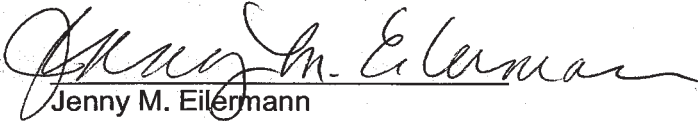

Jenny M. Eilermann
Clerk of Council

EXHIBIT A
EXISTING VERSIONS OF CHEVIOT CODE OF ORDINANCES

§ 114.01 GENERAL AUTHORIZATION AND DEFINITIONS.

(A) *General authorization.* The Safety-Service Director or his designee is authorized to grant revocable street privileges for the placement of mobile food and beverage within the city subject to the definitions and restrictions in this chapter.

(B) *Definitions.*

(1) **MOBILE FOOD AND BEVERAGE VENDING UNIT.** A commercially manufactured, motorized, or otherwise mobile unit, truck, or cart that is readily moveable, and from which non-alcoholic beverages or ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.

(2) **MOBILE FOOD AND BEVERAGE VENDOR.** Any person who sells or offers for sale food or beverages from a mobile food and beverage vending unit in any public, private, or restricted space.

(3) **DESIGNATED ZONES.** Include all zones as each is defined in Section 114.02.

(Ord. 15-21, passed 9-15-15)

§ 114.02 DESIGNATED ZONES.

(A) There shall be five designated zones in the city in which mobile food and beverage vending units may operate. The designated zones shall be appropriately marked as such by the Safety-Service Director. The five designated zones are as follows:

- (1) Harrison Avenue east bound in front of Pioneer Park;
- (2) Harrison Avenue west bound in front of the City Cemetery;
- (3) Glenmore Avenue north bound in front of the Cheviot Savings Bank;
- (4) Gamble Avenue near Glenmore Avenue; and
- (5) North Bend Road south bound in front of Harvest Home Park.

(B) The Safety-Service Director shall be responsible for the exact placement of the designated zones, which shall be the approximate length of two standard parking places.

(C) In addition to the five designate zones listed above, mobile food and beverage vending units may operate on privately owned property in the Business District of the city with the written consent of the property owner. Upon a written request at least two weeks in advance from the Safety-Service Director, a mobile food and beverage vending unit may, where warranted, receive permission to operate outside of a designated zone.

(Ord. 15-21, passed 9-15-15)

§ 114.03 OPERATING RESTRICTIONS.

(A) No mobile food and beverage vending unit or mobile food and beverage vendor may operate outside of a designated zone.

(B) No mobile food and beverage vending unit or mobile food and beverage vendor may operate without a valid permit.

(C) No mobile food and beverage vending unit or mobile food and beverage vendor may operate outside of the hours of 6:00 a.m. through 3:00 a.m. Mobile food and beverage vending units and mobile food and beverage vendor shall not occupy any space in a designated zone outside of the authorized operating hours.

(D) Spaces within the designated zones shall be available on a first-come, first-served basis each day. The issuance of a permit under this chapter does not guarantee access to a particular location, nor does it guarantee that space will be available.

(E) Mobile food and beverage vending units and mobile food and beverage vendors shall be in full compliance with all regulations of the Hamilton County Health Department and shall be subject to any required inspections.

(F) Mobile food and beverage vendors shall keep the area within a five foot radius of their unit clear of all litter and debris arising from their operation.

(G) Mobile food and beverage vendors shall be responsible for removing all waste generated by the internal operations of their unit. Such waste shall not be placed in city trash receptacles. Grease and liquid waste may not be disposed of in tree pits, storm drains, sewer drains, or streets.

(H) Mobile food and beverage vendors shall not operate in any manner that blocks, obstructs, or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.

(I) A mobile food and beverage vending unit shall not exceed 31 feet in length, nor shall it exceed eight feet, five inches, in width.

(J) A valid city permit must be kept on the mobile food and beverage vending unit at all times and must be available for immediate inspection.

(K) Mobile food and beverage vendors shall not park in a way that prevents other trucks from parking in otherwise available spaces.

(L) Mobile food and beverage vendors may set up tables and chairs in the space immediately in front of their units, provided that the tables and chairs do not impede other trucks from parking in otherwise available spaces, and further provided that the tables and chairs are placed:

(1) Only on paved surfaces;

(2) In a location that does not block the entrance or exit of any building;

(3) In a location that does not block access to buses at bus stops, fire escapes, sidewalk access doors, traffic or street lighting equipment, utility valve boxes, or other utility equipment;

(4) In a location that is at least five feet from any alley, pedestrian crosswalk, driveway, curb cut, curb ramp, fire hydrant, or bicycle rack; and

(5) Such that an open area of not less than four feet is available for pedestrian traffic around tables and chairs.

(M) Mobile food and beverage vendors may display advertising consisting only of the mobile food and beverage vendor name and logo and any items sold or otherwise available from the mobile food and beverage vendor. All other advertising is prohibited.

(N) Mobile food and beverage vendors shall not have access to location within the designated zones during special events designated by the city. Examples of this are the Harvest Home Parade and West Fest.

(O) In the case of mobile food and beverage vending units which are pulled or hauled by separate vehicles, the mobile food and beverage vending unit shall be detached from the vehicle by which it was hauled (the "hauling vehicle"). The hauling vehicle shall be parked in a regular, lawful parking space and shall not occupy space in any designated zone.

(P) Mobile food and beverage vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city, within the designated zones.

(Ord. 15-21, passed 9-15-15) Penalty, see § 114.99

§ 114.04 APPLICATION AND LICENSING.

(A) Persons desiring to obtain a revocable street privilege for the operation of a mobile food and vending unit in the designated areas or in any approved area shall submit an application on a form to be provided by the Safety-Service Director or his designee, which shall:

- (1) Identify the name, mailing address, telephone number, and tax identification number of the applicant;
- (2) Identify the name and address of the person authorized to receive notices from the city;
- (3) Identify a primary and secondary contact who can be contacted in an emergency;
- (4) Include proof of liability insurance in an amount not less than \$1,000,000 naming the City of Cheviot as an additional insured party;
- (5) Include a non-refundable application fee as set forth below; and
- (6) Include a copy of the applicant's current food service license issued by the Hamilton County Department of Health.

(B) A business owner may only apply for and receive one revocable street privilege. Any revocable street privilege issued as a result thereof will grant the holder permission to operate one mobile food and beverage vending unit within the city's designated zones.

(C) A non-refundable application fee of \$100 shall accompany the first application by each applicant for a revocable street privilege under this section.

(D) If a revocable street privilege is issued, it shall be for a term of one year, and an additional fee of \$50 shall be paid by the licensed vendor before the revocable street privilege is issued. The revocable street privilege may be renewed annually for an additional \$50 per year, provided that the licensed vendor seeking renewal is in full compliance with all regulations in this chapter, has no pending violations, and has not allowed a previously issued privilege to lapse.

(E) No more than 20 mobile food and beverage licenses may be issued and in effect at any one time.

(F) Issuance of a revocable street privilege for a mobile food and beverage vendor does not create or confer a property interest of any kind.

(G) Revocable street privileges for mobile food and beverage vendors are nontransferable.

(H) Prior to the issuance of a revocable street privilege, the applicant shall provide to the Safety-Service Director a certified copy of their criminal history from the Hamilton County Sheriff's Office. Prior convictions for felonies shall be grounds for a denial of the issuance of the privilege. In addition, the Fire Department shall annually conduct a safety inspection of the applicant's unit before a privilege may be issued or renewed.

(Ord. 15-21, passed 9-15-15; Am. Ord. 17-09, passed 3-21-17)

EXHIBIT B
AMENDED VERSIONS OF CHEVIOT CODE OF ORDINANCES

§ 114.01 GENERAL AUTHORIZATION AND DEFINITIONS.

(A) *General authorization.* The Safety-Service Director or his designee is authorized to grant revocable street privileges for the placement of mobile food and beverage within the city subject to the definitions and restrictions in this chapter.

(B) *Definitions.*

(1) **MOBILE FOOD AND BEVERAGE VENDING UNIT.** A commercially manufactured, motorized, or otherwise mobile unit, truck, or cart that is readily moveable, and from which non-alcoholic beverages or ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.

(2) **MOBILE FOOD AND BEVERAGE VENDOR.** Any person who sells or offers for sale food or beverages from a mobile food and beverage vending unit in any public, private, or restricted space.

(3) **DESIGNATED ZONES.** Include all zones as each is defined in Section 114.02.

(4) **CITY BUSINESS.** Any person or entity that operates a brick and mortar business in a building that is located within the City of Cheviot's boundaries. This does not include a business that operates in a mobile or transient structure.

(Ord. 15-21, passed 9-15-15)

§ 114.02 DESIGNATED ZONES.

(A) There shall be five designated zones in the city in which mobile food and beverage vending units may operate. The designated zones shall be appropriately marked as such by the Safety-Service Director. The five designated zones are as follows:

- (1) Harrison Avenue east bound in front of Pioneer Park;
- (2) Harrison Avenue west bound in front of the City Cemetery;
- (3) Glenmore Avenue north bound in front of the Cheviot Savings Bank;
- (4) Gamble Avenue near Glenmore Avenue; and
- (5) North Bend Road south bound in front of Harvest Home Park.

(B) The Safety-Service Director shall be responsible for the exact placement of the designated zones, which shall be the approximate length of two standard parking places.

(C) In addition to the five designate zones listed above, mobile food and beverage vending units may operate on privately owned property in the Business District of the city with the written consent of the property owner. Upon a written request at least 72 hours in advance from the Safety-Service Director, a mobile food and beverage vending unit may, where warranted, receive permission to operate outside of a designated zone.

(Ord. 15-21, passed 9-15-15)

§ 114.03 OPERATING RESTRICTIONS.

(A) No mobile food and beverage vending unit or mobile food and beverage vendor may operate outside of a designated zone.

(B) No mobile food and beverage vending unit or mobile food and beverage vendor may operate without a valid permit.

(C) No mobile food and beverage vending unit or mobile food and beverage vendor may operate during the hours of 3:00 a.m. through 5:30 a.m. Mobile food and beverage vending units and mobile food and beverage vendor shall not occupy any space in a designated zone outside of the authorized operating hours. Mobile Food Vendors shall not park overnight in business district.

(D) Spaces within the designated zones shall be available on a first-come, first-served basis each day. The issuance of a permit under this chapter does not guarantee access to a particular location, nor does it guarantee that space will be available. Mobile Food Vendors operating under a permit issued to a City Business must also comply with Subsection (Q) herein.

(E) Mobile food and beverage vending units and mobile food and beverage vendors shall be in full compliance with all regulations of the Hamilton County Health Department and shall be subject to any required inspections.

(F) Mobile food and beverage vendors shall keep the area within a five foot radius of their unit clear of all litter and debris arising from their operation.

(G) Mobile food and beverage vendors shall be responsible for removing all waste generated by the internal operations of their unit. Such waste shall not be placed in city trash receptacles. Grease and liquid waste may not be disposed of in tree pits, storm drains, sewer drains, or streets.

(H) Mobile food and beverage vendors shall not operate in any manner that blocks, obstructs, or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.

(I) A mobile food and beverage vending unit shall not exceed 31 feet in length, nor shall it exceed eight feet, five inches, in width.

(J) A valid city permit must be kept on the mobile food and beverage vending unit at all times and must be available for immediate inspection.

(K) Mobile food and beverage vendors shall not park in a way that prevents other trucks from parking in otherwise available spaces.

(L) Mobile food and beverage vendors may set up tables and chairs in the space immediately in front of their units, provided that the tables and chairs do not impede other trucks from parking in otherwise available spaces, and further provided that the tables and chairs are placed:

- (1) Only on paved surfaces;
- (2) In a location that does not block the entrance or exit of any building;

(3) In a location that does not block access to buses at bus stops, fire escapes, sidewalk access doors, traffic or street lighting equipment, utility valve boxes, or other utility equipment;

(4) In a location that is at least five feet from any alley, pedestrian crosswalk, driveway, curb cut, curb ramp, fire hydrant, or bicycle rack; and

(5) Such that an open area of not less than four feet is available for pedestrian traffic around tables and chairs.

(M) Mobile food and beverage vendors may display advertising consisting only of the mobile food and beverage vendor name and logo and any items sold or otherwise available from the mobile food and beverage vendor. All other advertising is prohibited.

(N) Mobile food and beverage vendors shall not have access to location within the designated zones during special events designated by the city. Examples of this are the Harvest Home Parade and West Fest.

(O) In the case of mobile food and beverage vending units which are pulled or hauled by separate vehicles, the mobile food and beverage vending unit shall be detached from the vehicle by which it was hauled (the "hauling vehicle"). The hauling vehicle shall be parked in a regular, lawful parking space and shall not occupy space in any designated zone.

(P) Mobile food and beverage vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city, within the designated zones.

(Q) If a Mobile Food Vendor is operating under a permit held by a City Business, the Mobile Food Vendor shall park within 25 feet of the City Business's main entrance.

(R) The City Business shall provide a trash receptacle, or ensure that the Mobile Food Vendor provides a trash receptacle, for any Mobile Food Vendor operating under the City Business's annual permit.

(Ord. 15-21, passed 9-15-15) Penalty, see § 114.99

§ 114.04 APPLICATION AND LICENSING.

(A) Persons desiring to obtain a revocable street privilege for the operation of a mobile food and vending unit in the designated areas or in any approved area shall submit an application on a form to be provided by the Safety-Service Director or his designee, which shall:

(1) Identify the name, mailing address, telephone number, and tax identification number of the applicant;

(2) Identify the name and address of the person authorized to receive notices from the city;

(3) Identify a primary and secondary contact who can be contacted in an emergency;

(4) Include proof of liability insurance in an amount not less than \$1,000,000 naming the City of Cheviot as an additional insured party;

(5) Include a non-refundable application fee as set forth below; and

(6) Include a copy of the applicant's current food service license issued by the Hamilton County Department of Health, if the applicant is a Mobile Food Vendor.

(B) A business owner may only apply for and receive one revocable street privilege. Any revocable street privilege issued as a result thereof will grant the holder permission to operate one mobile food and beverage vending unit within the city's designated zones.

(C) A non-refundable application fee of shall accompany the application by each applicant for a revocable street privilege under this section, pursuant to the schedule of fees below:

- (1) Single Day Permit – Mobile Food Vendor - \$30.00/day
- (2) Annual Permit – Mobile Food Vendor - \$150.00/year
- (3) Annual Permit – City Business - \$250.00/year

(D) If a revocable street privilege is issued, it shall be for the term specified on the permit (Single Day or Annual). The revocable street privilege may be renewed upon expiration for new term and the fee set forth in Section 114.04(C), provided that the Mobile Food Vendor or City Business seeking renewal is in full compliance with all regulations in this chapter, has no pending violations, and has not allowed a previously issued privilege to lapse.

(E) No more than 20 mobile food and beverage licenses may be issued and in effect at any one time.

(F) Issuance of a revocable street privilege for a mobile food and beverage vendor does not create or confer a property interest of any kind.

(G) Except with respect to City Businesses, defined in Section 114.01(B)(4), who obtain an Annual Permit, revocable street privileges for mobile food and beverage vendors are nontransferable. City Businesses may obtain an annual permit to invite Mobile Food Vendors to operate in a Designated Area in connection with the City Business's business and under the City Business's permit. The City Business Permit may only be used by one Mobile Food Vendor at a time, and the permit shall count toward the limit of permits issued annually. City Business permit holders shall notify the Safety-Service Director in advance of the name, contact information, and dates of permit use for any Mobile Food Vendor operating under the City Business's Annual Permit. The City Business must indemnify the City of Cheviot for any liability related to Mobile Food Vendor's operation under the permit held by the City Business.

(H) Prior to the issuance of a revocable street privilege, the applicant shall provide to the Safety-Service Director a certified copy of their criminal history from the Hamilton County Sheriff's Office. Prior convictions for felonies shall be grounds for a denial of the issuance of the privilege. In addition, the Fire Department shall annually conduct a safety inspection of the applicant's unit before a privilege may be issued or renewed.

(Ord. 15-21, passed 9-15-15; Am. Ord. 17-09, passed 3-21-17)