

ORDINANCE NO. 2019-33

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

**AN ORDINANCE AMENDING CODIFIED ORDINANCE
SECTION 880.02 ENTITLED “PERMITS AND FEES” BY
MANDATING FIRE INSPECTION PRIOR TO THE ISSUANCE
OF ANY MOBILE RETAIL FOOD ESTABLISHMENT PERMIT
AND DECLARING AN EMERGENCY.**

WHEREAS, the City wishes to allow for the presence of mobile retail food establishments, commonly known as food trucks, throughout the City; and

WHEREAS, prior to the issuance of any Mobile Retail Food Establishment permit, the City wishes to require inspection by the City’s Fire Protection Bureau of any Mobile Retail Food Establishment for compliance with the applicable Ohio Fire Code regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. City Council hereby amends Codified Ordinance Chapter 880.02 entitled “Permits and Fees” which shall read in its entirety as follows:

880.02 PERMITS AND FEES

- (a) No vendor of a mobile retail food establishment shall sell, offer for sale or display food items from City streets, rights-of-way or property without first obtaining a permit from the City Building Department.
- (b) An application for a permit under this section shall be made upon a form prescribed by the Building Commissioner and shall contain the following:
 - (1) The vendor’s name, address, phone number, email address, and mobile retail food establishment license number;
 - (2) The vendor’s Tax identification number;
 - (3) Proof of a City income tax filing number or exemption from the City of University Heights income tax;
 - (4) Proof that the vendor is current and compliant in the payment of any City of University Heights taxes on payroll and net profits at the time such proof is submitted; or if the vendor is not current and compliant in the payment of any City of University Heights taxes on payroll and net profits, that vendor has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement at the time such proof is submitted;
 - (5) A description of the mobile retail food establishment, including the dimensions;
 - (6) A description of the items to be offered for sale;
 - (7) A copy of the vendor’s mobile retail food establishment license issued pursuant to Ohio Revised Code Section 3717.43;
 - (8) A copy of an Inspection Report from the City’s Fire Prevention Bureau indicating that the applicant’s Mobile Retail Food Establishment passed Fire Prevention Bureau inspection and is in compliance with Section 320 of the Ohio Fire Code.
 - (9) A certificate of insurance, or an acknowledgment thereof, by an insurance carrier licensed to do business on this state, evidencing comprehensive general liability coverage in the amount of one million dollars (\$1,000,000.00) to protect against damage to property and/or persons resulting from the operation of the mobile retail food establishment and naming the City of University Heights as an additional insured;

(10) A non-refundable application fee of ten dollars (\$10.00) per day requested under the permit, provided, however, that any mobile retail food establishment invited by an authorized City official either to attend a City-sponsored event and/or to serve food on City owned or controlled property shall not be obligated to pay any fee hereunder;

(11) A description of the date, time and location proposed for operation of the mobile retail food establishment;

(12) Any other information the Building Commissioner may require.

(c) Upon receipt of a permit under subsection (b) hereof, the permittee-vendor may operate the mobile retail food establishment on the date, at the times, and at the location as specified in the permit.

(d) Permits issued hereunder shall expire in accordance with the terms set forth in the permit.

(e) The Building Commissioner may suspend or revoke any permit granted under this section on the basis of a violation of any provision of this chapter.

(f) A mobile retail food establishment and/or vendor shall be obligated to fill out an application and provide the required information at least once each calendar year, and the City Building department shall keep said application and related information on file. A mobile retail food establishment shall be required to obtain a permit and pay the required permit fee set forth in subsection 9 hereof each time it operates within the City.

Section 2. It 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 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to require fire inspections for Mobile Retail Food Establishments immediately for the safety of operators, residents and customers; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

CITY OF UNIVERSITY HEIGHTS, OHIO


MICHAEL DYLAN BRENNAN, MAYOR

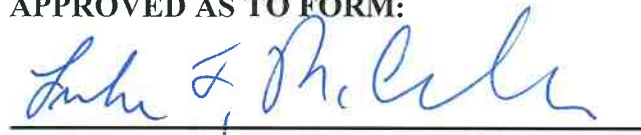
PASSED: 06/17/2019

ATTEST:



KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:


LUKE F. MCCONVILLE, LAW DIRECTOR