

Village of Mantua, Ohio
ORDINANCE 2021-42

AN ORDINANCE ENACTING CHAPTER 723 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, REGULATING MOBILE FOOD VENDORS WITHIN THE VILLAGE OF MANTUA.

WHEREAS, in order to regulate the operation of mobile food vendors within the municipality, the Village of Mantua Planning Commission has developed and recommended adoption of a series of “Food Truck” regulations; and

WHEREAS, this Council now wishes to enact Chapter 723 of the Business Regulations Code of the Codified Ordinances of the Village of Mantua in order to address this recommendation.

NOW THEREFORE, be it Ordained by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of the members elected thereto concurring, that:

SECTION 1: Chapter 723 of the Codified Ordinances of the Village of Mantua is hereby enacted as set forth in “Exhibit A”, attached hereto and incorporated herein by reference.

SECTION 2: All other provisions of the Codified Ordinances of the Village of Mantua shall remain in full force and effect.

SECTION 3: 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 of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect and be in full force from and after passage by Council, at the earliest date allowed by law, to preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed in Council this 19th day of October, 2021.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

1st Reading: August 17, 2021

2nd Reading: September 21, 2021

3rd Reading: October 19, 2021

Effective: November 18, 2021

Village of Mantua, Ohio
ORDINANCE 2021-42

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of October, 2021.

Jenny August, Clerk-Treasurer

Approved as to Legal Form:

Michele Stuck, Solicitor

"EXHIBIT A"

CHAPTER 723
Food Trucks

723.01 Definitions.

723.02 Food Truck permit/registration.

723.03 License and permit requirements for operation.

723.04 General requirements.

723.05 Exemptions from a permit and required registration.

723.06 Operation in right of way; public property.

723.07 Products for sale.

723.08 Restrictions on hours of operation.

723.99 Penalty.

723.01 DEFINITIONS.

(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) "Food Truck" shall mean a retail food establishment that is not intended to be permanent and is a motorized wheel vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages. The sale of ice cream and similar products shall be excluded. See section 723.05.

(c) "Food Truck Permit" shall mean the permit issued by the Village Administrator as part of the registration process.

(d) "Mobile Food Service License" and "Mobile Food Establishment License" means the official document issued by the Portage County Board of Health or other health department in the State of Ohio possessing the appropriate licensing authority which allows the operation of a Food Truck in Portage County.

723.02 FOOD TRUCK PERMIT/ REGISTRATION.

Food Trucks must register with the Village before operating within the Village corporation limits. Application for registration shall be made through the Village Administrator's Office prior to any operation within the Village. Registration requirements include proof of insurance, a copy of the current Portage County Food License issued to the vehicle.

723.03 LICENSE AND PERMIT REQUIREMENTS FOR OPERATION.

(a) No person shall offer for sale any food from any Food Truck within the Village without a current and valid Mobile Food Service or Mobile Food Establishment License issued by the Portage County Board of Health or other health department in the State of Ohio possessing the appropriate licensing authority.

(b) A Mobile Food Service or Mobile Food Establishment License must be clearly and conspicuously displayed on the Food Truck during all times of operation for inspection by the Portage County Board of Health.

Village of Mantua, Ohio
ORDINANCE 2021-42

- (c) A Food Truck Permit must be obtained each calendar year by the operator of any Food Truck before the Food Truck may operate within the Village.
- (d) The applicant shall also deposit, before the license is issued, the sum of one hundred dollars (\$100.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which the business is conducted are not cleaned and all merchandise, property, refuse, and temporary structures are not removed therefrom and properly disposed of within forty-eight hours after the termination of the business, the Village Administrator shall immediately cause such work to be done and report the cost thereof to the Chief Fiscal Officer, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.
- (e) The application must include color photographs of all sides of the mobile food vendor unit and any signage to be used in operation of the business.
- (f) At the time of application, the applicant must provide a signed statement that the licensee will hold harmless the Village and its officers and employees, and shall indemnify the Village, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity earned on under the terms of the mobile food vendor license.
- (g) Mobile Food Truck Vendors shall maintain comprehensive general liability insurance in an amount of at least one hundred thousand dollars (\$100,000.00), naming the Village of Mantua as additional insured.

723.04 GENERAL REQUIREMENTS.

- (a) All Food Trucks operating in the Village of Mantua shall provide at least one trash receptacle, shall keep the surrounding area immediately adjacent to the Food Truck clean and shall properly remove all waste and trash generated by the operation at least once per day as needed to maintain cleanliness.
- (b) All Food Trucks must be constructed to internally store and contain all sewage and waste water for proper disposal and to prevent ground water contamination. There shall be no discharge of any sewage and wastewater onto the ground or into any storm water or sanitary sewers within the Village.
- (c) No Food Truck shall utilize generators, loudspeakers or other noise-making devices in such a way to create a nuisance, or in violation of the Village's ordinances.
- (d) A Food Truck unit shall not be in such a deteriorated physical condition as to adversely affect the character, appearance, image, or economic value of surrounding property.
- (e) No Food Truck shall be located closer than five feet to any property line, unless written permission is provided by the abutting property owner.
- (f) A Food Truck shall not obstruct a public way, impair the movement of pedestrians or vehicles, impair the clear view of traffic from any direction, or pose a hazard to public safety.

Village of Mantua, Ohio
ORDINANCE 2021-42

(g) Residential Districts - Food Trucks shall not operate within a Residential Zone unless an annual permit has been issued as part of the registration process required by the Village. Food Trucks shall not operate in a residential zone unless the host is responsible for all food costs. Point of sale is prohibited.

(h) Non-Residential Districts - Food Trucks may operate on private property where there is a commercial, office or industrial use subject to the following conditions:

- (1) Permission. Food Trucks selling to the public from private property shall have written permission of the property owner, which shall be made available to the Village upon request.
- (2) Unimproved Properties. Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel unless that parcel is paved and has paved ingress and egress.

(i) Non-Residential Institutional Uses - Food Trucks may operate on property where there is educational or place of worship with the following conditions:

- (1) Permission. Food Trucks selling to the public from a property with a school or place of worship shall have written permission of the property owner, which shall be made available to the Village upon request.
- (2) Unimproved Properties. Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel unless that parcel is paved and has paved ingress and egress.

723.05 EXEMPTIONS FROM A PERMIT AND REQUIRED REGISTRATION.

(a) Ice Cream Trucks.

- (1) Rights-of-Way: An Ice Cream Truck may not operate from the right-of-way at any one location for more than fifteen (15) minutes without relocating to another location.
- (2) Ice Cream Trucks may operate during the time period of 11:00 a.m. until sunset.

(b) Children's lemonade/Kool-Aid stands;

(c) Home delivery of pre-packaged and/or pre-made food;

(d) Temporary produce stands located on private property.

723.06 OPERATION IN RIGHT OF WAY; PUBLIC PROPERTY.

(a) Food Truck operators are prohibited from parking or operating in the public right of way or upon any Village street unless in conjunction with a community event or a parade/assemblage as permitted by the issuing of a special events permit.

(b) Food Truck operators are prohibited from parking or operating on public property, including public parks, without prior written authorization from the Village Administrator or by the issuing of a special events permit.

(c) Food Truck operators may park in the right of way during a neighborhood block party or activity where a temporary road closure has been approved.

Village of Mantua, Ohio
ORDINANCE 2021-42

723.07 PRODUCTS FOR SALE.

Food Trucks shall only offer for sale food as defined in section 723.01(a).

723.08 RESTRICTIONS ON HOURS OF OPERATION AND PARKING.

Food Trucks may not operate or remain parked in the Village between the hours of 9:00 p.m. and 7:30 a.m., except during a Community Event.

723.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a fourth-degree misdemeanor.