

Chapter 732 - Mobile Food Vending (MFV)

732.01 - Definitions.

When used in this chapter:

- (a) "Commercial zone" shall mean a geographic area that has a combination of public right of way access, vehicular traffic patterns, pedestrian density, and mobility options, such that reasonable access for mobile food vending does not constitute an unreasonable threat to public health and safety.
- (b) "Congestion zone" shall mean a geographic area that has a combination of public right of way parking limitations, meter restrictions, vehicular traffic patterns, pedestrian density, and mobility issues, such that unrestricted access for mobile food vending constitutes an unreasonable threat to public health and safety.
- (c) "Director" shall mean the Director of Public Safety for the City of Gahanna, or their designee.
- (d) "Public right of way access permit" shall mean a document issued to a mobile food vending unit that will allow mobile food vending unit to operate in the public right of way and the designated mobile food vending spaces
- (e) "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 in part for human consumption.
- (f) "Food delivery operation" shall mean a food service operation from which food is ordered off-site by a customer, prepared, and delivered to the customer. "Food delivery operation" includes, by way of example and not by way of limitation, pizza delivery, sandwich delivery, restaurant delivery services, or "food delivery sales operations" as defined in Ohio Revised Code 3717.01(H).
- (g) "Food service operation" shall mean, for the purposes of a mobile food vending license, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
- (h) "Health license" shall mean an official document issued by a department of health pursuant to Section 3701 of the Ohio Revised Code. Such health license shall be separate from any other license required under this chapter. Such document may be either an annual health license or a temporary health license.
- (i) "License Section" shall mean the City of Columbus Department of Public Safety, Division of Support Services and License Section.
- (j) "Mobile food vending license" shall mean an official document issued by the City of Columbus Department of Public Safety authorizing operation of a mobile food vending unit within the corporate limits of the City of Columbus. Mobile food vending license does not include a health license required by Section 3717 of the Ohio Revised Code. Unless otherwise stated, "license" shall have the same meaning as "mobile food vending license."
- (k) "Mobile food vending unit" shall mean a food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location. For the purposes of a mobile food vending license, "mobile food vending unit" excludes food delivery operations and vending machines, as defined in Ohio Revised Code 3717.01(L).
- (l) "Mobile food vendor" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any mobile food vending unit.

- (m) "Non-commercial zone" shall mean all areas within the corporate limits of the City of Gahanna that have not been designated a "congestion zone" or a "commercial zone." Non-commercial zone includes any public right of way where the City of Gahanna requires, at all times, a permit for parking.
- (n) "Public event" shall, for the purposes of a mobile food vending license, mean any public activity or gathering or assemblage of people, other than a special event, that is open to the general public for admission, requires payment for entrance, attendance or participation, and requires the issuance of a health license or temporary health license pursuant to Ohio Revised Code 3717.01 for participating mobile food vendors. "Public event" includes, by way of example and not by way of limitation, a sporting event at an arena or stadium, a state fair, a concert, or a theatre production.
- (o) "Public right of way" shall mean any property owned by the City of Gahanna, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
- (p) "Special event" shall, for the purposes of a mobile food vending license, mean any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade permit, community market, or other like permit has been issued by the City of Gahanna.
- (q) "Temporary commercial zone" shall mean the closing of one (1) or more parking locations in the public right of way between one (1) or more intersections, while maintaining vehicular traffic access on the street, road, or alley, for the purpose of conducting commercial activity, including mobile food vending.

732.02 - License required for operation.

- (a) No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Gahanna without a current and valid mobile food vending license issued by the License Section of the City of Columbus.
- (b) No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Gahanna without a current and valid health license issued in accordance with laws, rules and regulations established in the Ohio Revised Code, the Ohio Administrative Code, or the Columbus City Codes, whichever is applicable.
- (c) Mobile food vending units that only operate as part of a City sanctioned special event or City sanctioned public event shall not require a mobile food vending license. Such units must comply with any health licensing requirements of the State.
- (d) Nothing in this chapter shall be construed as superseding, supplanting, or otherwise replacing any duty imposed by Ohio Revised Code Chapter 3701 or 3717, or rules or regulations promulgated thereunder, upon an applicant for a health license, or upon a department of health in the conduct of its responsibilities relative to mobile food vending units.

732.03 - Application for license.

Application for a Mobile Food Vending License shall be made to the License Section of the City of Columbus.

732.04 - Application fee.

Each application for a mobile food vending license shall be accompanied by a non-refundable application fee to the City of Columbus.

732.05 - Inspection.

Nothing in this chapter shall limit periodic inspections by the City of Gahanna at the discretion of the Director of Public Safety.

732.07 - Right-of-way fees.

- (a) For each mobile food vending unit owner requesting to operate in the public right-of-way, the owner shall pay a non-refundable public right-of-way fee access permit, in addition to the fees paid. The fee for the public right-of-way shall be one hundred dollars (\$100) per unit for each licensing period the owner receives such license.
- (b) There shall be no proration, reduction, or refund of such fees.

732.08 - Requirements for issuing a Right-of-way permit.

- (a) The Director of Public Safety may issue a mobile food vending right-of-way permit to an applicant who meets all of the following requirements:
 - (1) Who has received approval of an application from the City of Columbus;
 - (2) Whose mobile food vending unit has passed the inspections required by the City of Columbus;
 - (3) Whose mobile food vending unit is in compliance with all applicable requirements of this chapter and has obtained any permits, licenses or prior approval required by any city, state or federal agency;
 - (4) Who has not been denied a license under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Director of Public Safety that the reasons for such earlier denial no longer exist;
 - (5) Who has paid all applicable application, license and permit fees; and
 - (6) Who is not otherwise refused a license under the requirements of this chapter.

732.09 - Refusal of permit or operation within the City of Gahanna

- (a) The Director of Public Safety may refuse to issue a permit or allow for operation within the City of Gahanna an MFV unit to any person that has been convicted of any of the following offenses within the past seven (7) years:
 - 1) Any felony in which physical violence is used;
 - 2) A felony, misdemeanor, or code violation involving a sex offense, trafficking in controlled substances, or any offense of violence;
 - 3) A weapon violation; or
 - 4) An offense involving fraud, deceit, misrepresentation, or theft.

- (b) No license shall be issued to any applicant who is required to register with the Sheriff's Office in the person's county of residence as a sexual offender or sexual predator pursuant to Section 2950.03 of the Ohio Revised Code.

732.10 - Transfer of license prohibited.

No mobile food vending license or decal issued under this chapter shall be transferred or assigned by the named licensee to any other individual or organization, or to any other mobile food vending unit, nor shall any health license issued by Columbus Public Health be transferred or assigned by the named licensee to any other individual or organization, or to any other mobile food vending unit. Should a change in ownership of a mobile food vending unit occur at any time, the succeeding owner must comply with the application, inspection and fee requirements of this chapter, as well as any application, inspection and fee requirements for a health license.

732.11 - Insurance required for operation.

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Gahanna without doing both of the following:

- (a) Carrying sufficient general liability insurance to meet the requirements for licensure by the City of Columbus.
- (b) Affirming, in writing, that the individual or organization will forever indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from operation of a mobile food vending unit in the public right-of-way.

732.12 - General operational requirements.

- (a) The owner and/or operator of a mobile food vending unit shall abide by all of the following:
 - (1) For any refuse collected from the operation of the unit, refrain from causing or allowing the disposal of such refuse in or beside any public trash container at any time, or the disposal of such refuse in or beside any private trash container without permission;
 - (2) For any recycling collected from the operation of the unit, refrain from causing or allowing placement of such recyclable materials in or beside any private recycling container without permission, or the placement of such recyclable materials in or beside any public recycling container, provided that recyclable materials may be placed in a public bulk drop-off recycling bin;
 - (3) Refrain from causing or allowing the illegal disposal or release of oils or greases;
 - (4) Refrain from causing or allowing to be placed in the public right-of-way any seating, signage, flower pots, or other temporary structures, with the exception of trash receptacles, structures necessary to meet requirements under the Codified Ordinances of Gahanna, or licensed pushcarts;
 - (5) Post, at the point of sale, the name, permanent address, telephone number, and electronic mail address of the owner of the mobile food vending unit;
 - (6) Post, at the point of sale, the mobile food vending license;
 - (7) Post, at the point of sale, the most recent health inspection placard from Columbus Public Health or health inspection license from any other department of health;
 - (8) Post, at the point of sale, the telephone number to report complaints to the City of Gahanna;
 - (9) Comply with applicable noise ordinances; and
 - (10) Refrain from otherwise causing or allowing the operation of a mobile food vending unit in a manner that violates this chapter or applicable sections of the Codified Ordinances of Gahanna.
- (b) The owner and/or operator of a mobile food vending unit shall abide by all of the following requirements when vending from or on the public right-of-way:
 - (1) Maintain a twenty-five (25) foot radius around the unit free and clear of any refuse, and, at the conclusion of vending operations each day, collect and dispose of any refuse within the aforementioned radius as provided for herein;
 - (2) Provide sufficient, accessible, private refuse disposal to maintain sanitary conditions in and about the mobile food vending unit, provided that private recycling container(s) may also be used to supplement this purpose;
 - (3) Post, in a conspicuous place, a notice to customers requesting that they use the refuse and/or recycling receptacle(s) provided;
 - (4) Legally dispose of all refuse and/or recyclable materials collected under this section;

- (5) Only sell or serve food sidewalk side, if vending from a street, road or alley;
- (6) Comply with applicable provisions of the Americans with Disabilities Act (ADA) related to pedestrian use of city sidewalks;
- (7) Post, in a conspicuous place, any reservation confirmation required for mobile food vending in the public right of way;
- (8) Offer to each customer a receipt; such receipt must be given by either physical or electronic means unless declined by the customer, and must contain, at a minimum, the name and telephone number of the mobile food vending unit or owner, the date of purchase, and the amount of purchase;
- (9) Comply with all applicable congestion, commercial, and non-commercial zone requirements;
- (10) Comply with all established parking rules and regulations, including prompt and timely payment of any applicable parking meter fees;
- (11) Refrain from causing or allowing any unauthorized person to enter an enclosed unit during operating hours;
- (12) Refrain from causing or allowing any person to operate or work from a mobile food vending unit in the public right of way if that person has been convicted of a felony, misdemeanor or code violation within the preceding seven (7) years; and
- (13) Refrain from causing or allowing the use of any sound system to announce the availability of goods.

732.121- City sanctioned special and public events operation, licensed mobile food vending units.

- (a) No mobile food vending license shall be required for any mobile food vending unit that operates exclusively within City sanctioned special or public events.
- (b) If a mobile food vending unit operates in the public right-of-way solely due to its participation in a City sanctioned special or public event, such unit shall not be required to obtain a public right-of-way license.
- (c) No mobile food vending unit with a current and valid license shall require an inspection or inspection fee by Columbus Public Health or the Director of Public Safety in order to participate in a City sanctioned special event.
- (d) Proof of current and valid license shall be offered to the event organizers upon application.
- (e) Nothing in this section shall limit periodic inspections by the City of Gahanna at the discretion of the inspecting authority.

732.122- Operation on private property.

- (a) No individual or organization shall operate or cause to be operated any mobile food vending unit on private property within the corporate limits of the City of Gahanna without meeting the licensing and fee requirements of this chapter, unless otherwise exempted by this chapter.
- (b) Operation of a mobile food vending unit on private property must be in compliance with all applicable zoning requirements related to commercial activity on private property.

732.14 - Electronic reservation system, establishment.

- (a) The Director of Public Safety or designee may establish an electronic reservation system to allow access to the designated mobile food vending locations and the general public right of way access permit established in the Codified Ordinances of Gahanna.
- (b) Reservations must be made by a mobile food vending unit licensed to operate in the public right of way.

- (c) Reservations shall not be transferable, assignable or otherwise used by any unit other than the unit issued the reservation.
- (d) The Director of Public Safety or designee, in consultation with the Director of Public Service & Engineering shall promulgate rules regarding the electronic reservation system.

732.141 - Electronic reservation system, fees.

- (a) No fee shall be required for access to the reservation system established in Section 732.14, other than fees associated with the reservation of a designated mobile food vending space.
- (b) The Director of Public Safety or designee, in consultation with the Director of Public Service & Engineering or designee, shall establish reservation fees for each location for designated vending. Such fees may provide for hourly, daily, or weekly reservations.
- (c) The remainder of the proceeds from reservations for designated public right of way access permits and general public right of way access permits, less any contractual or administrative costs for the operation of the system, shall accrue to the Department of Public Service & Engineering.
- (d) The Department of Public Safety shall establish policies and procedures necessary to reimburse the Department of Public Service & Engineering for amounts established in subsection (c), and to disburse to each applicable organization the amounts established in the Codified Ordinances of Gahanna. Such reimbursement and disbursement must take place at regular intervals, at least four (4) times per calendar year.

732.15 - Record of mobile food vending unit rental.

- (a) Mobile food vending unit owners shall keep a record of all leases and rentals of such units for operation by any individual or organization other than the owner or owner's operator. This record shall include the date of rental or lease, length of rental or lease, and name, address, date of birth, telephone number and commercial sales license number, if applicable, of the lessee or renter.
- (b) The owner of the mobile food vending unit must provide the lessee or renter with a copy of all applicable rules, regulations and ordinances regarding mobile food vending, and the contact numbers for the related inspecting authorities.
- (c) The renter or lessee must comply with all sections of this chapter, and all rules, regulations and ordinances that relate to the operation of a mobile food vending unit.
- (d) The mobile food vending unit shall be made available for inspection by the City of Gahanna regardless of any rental or lease.

732.16 - Suspension, revocation or permanent revocation of license.

- (a) The Director of Public Safety may suspend, revoke, or permanently prohibit the operation within the City of Gahanna any mobile food vending unit and/or owner who engages in any of the following conduct:
 - (1) Obtaining a license by a false statement in his or her application;
 - (2) Failing to comply with the mobile food vending unit operation and vehicle standards established in this chapter;
 - (3) Misrepresenting or otherwise making false statements in his or her affidavit that he or she would conduct criminal background checks on all employees;
 - (4) Failing to post and maintain required information;
 - (5) Failing to offer receipts to customers or to supply receipts when the customer answers in the affirmative;

- (6) Receiving citations for impeding the flow or operation of pedestrian and vehicle traffic, creating unsanitary conditions, becoming an attractive nuisance for children or any other infraction of the Codified Ordinances of Gahanna;
- (7) Failing to pay parking meters or obtain reservations when applicable;
- (8) Failing to appear before the Director when properly notified to do so;
- (9) Verbally threatening or attempting to intimidate any employee of the City of Gahanna for actions taken in the enforcement of the provisions of this chapter;
- (10) Failing to maintain general liability insurance for each mobile food vending unit;
- (11) Conviction for any crime committed in or from the mobile food vending unit;
- (12) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of mobile food vending unit owners and employees, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own or work in a mobile food vending unit.

732.17 - Severability clause.

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to the particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

732.99 - Penalties.

A violation of any section of this chapter shall be deemed a criminal violation as follows:

- (a) Whoever violates Section 732.02 shall be guilty of misdemeanor of the first degree. Any such violation shall constitute a separate offense on each successive day continued. Strict liability is intended to be imposed for a violation of this section.
- (b) Whoever violates Section 732.07 shall be guilty of a minor misdemeanor. Strict liability is intended to be imposed for a violation of this section.
- (c) A violation of any section of this chapter may be grounds for the suspension, revocation or permanent prohibition of operation within the City of Gahanna an MFV unit or in the case of a new application may be grounds to refuse to allow operation within the City of Gahanna an MFV unit for a determinate period of time up to ninety (90) days or permanently, in addition to any other penalties established for such violation in applicable sections of the Codified Ordinances of Gahanna.