

ORDINANCE NO. 2022 - 9

AN ORDINANCE ESTABLISHING AND ENACTING CHAPTER 779 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, ENTITLED, "FOOD TRUCKS" TO PROVIDE FOR A NEW CHAPTER OF THE BUSINESS REGULATION CODE, AND DECLARING AN EMERGENCY

WHEREAS, Food trucks have significantly grown in popularity in recent years and have become an expected component of many types of public and private events. This Chapter will establish regulations in response to increasing interest from food truck operators and event hosts while protecting the health, safety and welfare of the Parma Heights community; and

WHEREAS, it is the recommendation of the Administration that the City adopt regulation of Food Trucks to ensure compliance with health and safety regulations and to reasonably restrict the location and duration of such temporary facilities; and

WHEREAS, it is the desire of this Council to enact a new Chapter 779 of the Business Regulation Code entitled "Food Trucks."

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That this Council does hereby establish and enact Chapter 779, entitled, "Food Trucks" of the Business Regulation Code, which reads in its entirety as set forth in Exhibit A and which is attached to this Ordinance and incorporated by reference as if fully rewritten herein.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: March 28, 2022 Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara S. Allen March 28, 2022
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: March 28, 2022 Marie S. Gallo
MAYOR MARIE S. GALLO

CHAPTER 779
Food Trucks

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779.01 DEFINITIONS.

(a) "Food Truck" means any vehicle or vehicle and trailer combination licensed by the State of Ohio and possessing a Mobile Food Vending License. The term "Food Truck" shall exclude "Frozen Dessert Peddlers" as defined in Chapter 743.

(b) "Mobile Food Vending License" means the official document issued by the Cuyahoga County Board of Health allowing the operation of a mobile food establishment in Cuyahoga County.

(c) "Food Truck Permit" shall mean the official document issued by the City of Parma Heights allowing a Cuyahoga County licensed Mobile Food vendor to sell or serve food and beverage in specified locations in Parma Heights for specified periods of time.

(d) "Private Event" means the one-time only sale of food and beverage by a person possessing a Food Truck Permit to persons at a location and under circumstances where such food and beverage is not made available to the general public. A sale is not "available to the general public" if all food and beverage sales are pre-paid or if there is not a simultaneous payment of money upon a customer placing an individual order for and receiving food or beverage.

(e) "Community Event" means a pre-arranged function sponsored by the City of Parma Heights on public property or sponsored by a nonprofit, charitable, religious or community organization located at its premises in Parma Heights.

779.02 LICENSE REQUIRED FOR OPERATION.

(a) No person or organization shall offer for sale any food or beverage from any vehicle or vehicle and trailer combination within the City of Parma Heights without a current and valid Mobile Food Vending License issued by the Cuyahoga County Board of Health.

(b) A Mobile Food Vending License must be clearly displayed on the vehicle during all times of operation.

779.03 PERMIT REQUIRED; FEE.

(a) No person or organization shall offer for sale any food or beverage from any vehicle or vehicle and trailer combination within the City of Parma Heights without a current and valid Food Truck Permit issued by the Director of Public Service. A Food Truck Permit shall only be issued for the following:

- (1) A pre-arranged public community event sponsored by the City of Parma Heights on public property;
- (2) A pre-arranged community event sponsored by a nonprofit, charitable, religious or community organization located at its premises in Parma Heights, such as a festival of not more than four (4) days, subject to and conditioned upon issuance of all state and local licenses for same;
- (3) A block party event for which authorization has been obtained pursuant to Chapter 311.02;

(4) A "private event" as defined above and hosted by a resident of Parma Heights on residentially zoned property limited to a single date and within restriction on hours of operation.

(b) Application for a Food Truck Permit must be submitted to the Director of Public Service for review no less than ten (10) days prior to the proposed time of operation;

(c) Application for a Food Truck Permit shall require a nonrefundable fee of \$50.00. No fee is required for persons receiving a permit issued pursuant for a public community event.

(d) Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least One Million Dollars (\$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.

(e) A Food Truck Permit must be clearly displayed on the Food Truck during all hours of operation.

(f) No owner or occupier of any real property in the City of Parma Heights shall permit the sale of any food or beverage from any vehicle or vehicle and trailer combination from its property without compliance with this Chapter.

(g) Failure to comply with any provision of this Chapter shall result in a denial or revocation of the Food Truck Permit.

779.04 GENERAL REQUIREMENTS.

(a) All Food Truck Permit holders operating in the City of Parma Heights must keep the area immediately adjacent to the Food Truck clean and must further make arrangements for disposal of all trash generated from its operation.

(b) No Food Truck Permit holder shall utilize loud speakers or other noise-making devices.

779.05 OPERATION IN RIGHT OF WAY.

Food Truck Permit holders are prohibited from selling any food or beverage in the public right of way unless in conjunction with a block party event as permitted in Section 311.02.

779.06 PRODUCTS FOR SALE.

Food Truck Permit holders may only sell food and/or beverage products.

779.07 RESTRICTIONS ON HOURS OF OPERATION.

Food trucks positioned within 250 feet of a lot occupied by a one or two-family residence may not operate between the hours of 10:00 pm and 7:30 am.

779.08 SIGNAGE.

Food trucks may not display any signage with the exception of flat signs attached to the side of the food truck itself and/or a portable menu board. Temporary signs or other windblown devices as defined in Section 1183.26 of any sort are prohibited.

779.99 PENALTY.

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