



## **City of Ashtabula**

Ashtabula City Council

Community Development/Economic Development/Parks & Recreation Committee Meeting

Tuesday, December 17, 2024 at 2:00 PM

Council Chambers

4230 Lake Avenue, Ashtabula, OH 44004

### **Agenda**

**1. Opening of Committee Meeting**

- a. Call to Order
- b. Roll Call
- c. Sunshine Law Certification

**2. Welcome and Acknowledgement of Visitors**

**3. Special Guest Presentation**

- a. Catherine Colgan, Assistant Solicitor and Mary Church, Assistant Director Planning and Community Development
- b. 2024-ORD-0017 Temporary Stores and Food Trucks Ordinances
- c. 749.09 License Appeals
- d. 749.13 Permit Appeals
- e. 165-05 Meetings, Rules, Records, Attendance and Quorum

**4. City Manager's Report**

**5. Parks & Recreation Committee Report**

- a. Ordinance regarding registered sex offenders being prohibited in public parks (safety concerns for children)

**6. Unfinished Business**

**7. New Business**

- a. City Clean-up May 17, 2025 8:30 to 11:30 a.m.

**8. Next Meeting**

- a. February 5, 2025

**9. Adjournment**

## CHAPTER 759

### Temporary Stores [& Food Trucks](#)

759.01 Temporary stores defined.

759.02 Permit required.

759.03 Posting of permit.

759.04 Farmer's markets.

759.05 Street fairs and festivals.

759.06 Exemption from fee.

[759.07 Food Truck Definitions](#)

[759.08 Food Truck Health License Required.](#)

[759.09 Food Truck Days and Hours Of Operation.](#)

[759.10 Food Truck Location Requirements.](#)

[759.11 Food Truck Operations.](#)

[759.12 Food Truck Littering And Trash Removal.](#)

[759.13 Food Truck Insurance Required.](#)

[759.14 Food Truck Compliance with Laws.](#)

759.99 Penalties.

### CROSS REFERENCES

Secondhand dealers - see BUS. REG. Ch. 743

### 759.01 TEMPORARY STORES DEFINED.

—“Temporary store” means any building, stand, cart, or location whatsoever which is used for the solicitation of orders for or the sale of goods, wares, merchandise or other items of personal property on a seasonal or temporary basis at said location. “Temporary store” does not include a garage or yard sale conducted pursuant to a permit issued by the City Manager under Chapter 727 of the Codified Ordinances; or a public auction conducted by a person regularly engaged in the business of being an auctioneer. For purposes of this section, “seasonal or temporary basis” means any period of time which does not exceed 120 days.

(Ord. 2012-187. Passed 11-19-12.)

## 759.02 PERMIT REQUIRED.

—Except as otherwise provided in this Chapter, any person or entity operating a temporary store or Food Truck within the corporate limits of the City of Ashtabula, Ohio, must first obtain a permit therefore from the City Manager. The application for said permit shall fully identify the applicant by name and permanent address, generally describe the goods or wares to be sold, specify the time period in days for which the permit is sought, and state the specific location(s) of the temporary store(s). The City Manager has the right to refuse a requested location. The cost of said permit shall be \$250.00 for each location for each 30-day period or part thereof covered by the permit.

If the proposed location is on public property, the applicant shall also deposit the sum of \$... 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 48 hours after the termination of the business, the Public Works Director shall immediately cause such work to be done and report the cost thereof to the Finance Director, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.

An application for a Food Truck permit shall include the following minimum requirements:

- (1) Copy of current/valid State of Ohio mobile food vendor license;
- (2) Proof of registration with city's Income Tax Division;
- (3) Proof of current liability insurance of at least \$100,000;
- (4) Plan for power, water, and external signage;
- (5) Payment of fee as provided.
- (6) Pass a fire safety code inspection conducted by the Fire Division.
- (7) An applicant with an existing permanent place of business in the city is exempted from the proof of registration with the city's Income Tax Division.

(Ord. 2012-187. Passed 11-19-12.)

## 759.03 POSTING OF PERMIT.

—Every temporary store shall have its current permit posted in a conspicuous location whenever it is open for business.

(Ord. 2012-187. Passed 11-19-12.)

#### 759.04 FARMER'S MARKETS.

—(a) As used herein, “farmer’s market” means any temporary store or combination of temporary stores where three (3) or more different participating vendors offer for sale fruits, vegetables, preserves, cheeses, and similar agricultural products which are grown or produced within a 50-mile radius of the farm market location.

—(b) Farmer’s markets are required to register with the office of the City Manager and provide all the information required of other temporary stores, but shall not be charged a fee for a permit to operate during the months of June through November.

(Ord. 2012-187. Passed 11-19-12.)

#### 759.05 STREET FAIRS AND FESTIVALS.

—The City Manager may waive the requirement of a Temporary Store permit fee for vendors who are participating in a street fair or festival which is of between one (1) and three (3) days’ duration and in which local merchants with permanent business locations inside the City also participate. Such waiver must be obtained in advance by the sponsor or sponsors of the street fair or festival. (Ord. 2012-187. Passed 11-19-12.)

#### 759.06 EXEMPTION FROM FEE.

—A vendor may request to be exempt from paying the fee for a permit if the net proceeds of the sales are to be given or donated to a charitable organization or charitable cause, or to a religious organization. ~~Exemption requests must be approved by a majority vote of Council upon recommendation to Council by the City Manager.~~

(Ord. 2012-187. Passed 11-19-12.)

#### 759.07 FOOD TRUCK DEFINITIONS

“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.

“Food Truck Operator” shall mean

#### 759.08 FOOD TRUCK HEALTH LICENSE REQUIRED.

A Food Truck Operator shall obtain a mobile retail food service license issued by  . Such license shall be conspicuously displayed at all times during the operation of the Food Truck.

#### 759.09 FOOD TRUCK DAYS AND HOURS OF OPERATION.

(a) Except on days where the City imposes restrictions, Food Trucks may operate in...Zoning Districts only between the hours of... Food Trucks must be removed daily when not in operation.

(b) Notwithstanding anything to the contrary in (a) of this section, on property zoned...Food Trucks are permitted on property owned or leased by the Food Truck Operator so long as such property is also the location of an affiliated restaurant. In such instance, the Food Truck does not have to be removed and may operate between the hours of...

#### 759.10 FOOD TRUCK LOCATION REQUIREMENTS.

Food Trucks may operate in parking spaces in...Districts, on the same lot where the underlying restaurant business is located pursuant to Section 739.05(b), and in parking lots in...Districts with the consent of the owner in accordance with the following restriction: Except as provided in this Section, a Food Truck must be located a minimum of 100 feet distance from any restaurant, while the restaurant is open for business, as measured from the property line of the operating restaurant to the closest point of the Food Truck.

#### 759.11 FOOD TRUCK OPERATIONS.

In...Districts, Food Trucks may only serve customers from an adjacent sidewalk or the curbside of the vehicle. Food Truck Operator must maintain a path that is free and clear for pedestrian traffic and shall not place additional seating or signage on the sidewalk.

In the absence of a sidewalk or curb, customers may only be served from the side of the Food Truck that is furthest from the area of right-of-way customarily used for motor vehicle travel. Additional seating or tables...?

In...Districts, Food Trucks may only serve customers from a parking lot.

#### 759.12 FOOD TRUCK LITTERING AND TRASH REMOVAL.

Food Truck operators must keep the sidewalks, roadways and all other spaces adjacent to their business site or location clean and free of paper, peelings and other refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty-five (25) feet of any Mobile Food Truck shall be collected by the operator and deposited in a trash container maintained by the operator in good condition and constructed of a non-corrodible and watertight material, sufficient to hold the refuse

generated by the business. Such container shall be removed by the operator whenever the Food Truck moves to another location or at the close of business daily.

#### 759.13 FOOD TRUCK INSURANCE REQUIRED.

Food Truck Vendors shall maintain comprehensive general liability insurance in an amount of at least one hundred thousand dollars (\$100,000.00).

#### 759.14 FOOD TRUCK COMPLIANCE WITH LAWS.

Food Trucks shall operate in compliance with all applicable laws including but not limited to Health, Fire, Traffic, Zoning, and local noise regulations. In all instances, the City Manager or their designee shall have the authority to remove any vendor, whether on public property or private property when selling to the general public, when said vendor's operation is deemed a safety concern.

#### 759.99 PENALTIES.

—(a) Any person or entity that violates Section 759.02 is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on a second or subsequent offense after a predicate conviction. Each day that such violation continues shall constitute a separate offense.

—(b) Any person or entity that violates any other provision of this Chapter is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.

(Ord. 2012-187. Passed 11-19-12.)

CITY OF ASHTABULA

#### 749.09 LICENSE APPEALS.

In case of the refusal to issue a license or the revocation or suspension of a license by the City Manager, the applicant or licensee may appeal from such order to the ~~Board of Zoning Appeals~~Administrative Board/Planning Commission. Notice of such appeal shall be in writing and shall be filed with the Board within ten days after the making of such order. The Board within ten days after filing with the Board of such notice of appeal shall proceed with the hearing of such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. Such Board shall approve, modify or annul such order from which the appeal has been perfected. The finding of such Board shall be final on all parties thereto.

(Ord. 10000. Passed 1-14-85.)

#### 749.13 PERMIT APPEALS.

In case of the refusal to issue a permit or the revocation or suspension of a permit by the City Manager, the applicant or permittee may appeal from such order to the ~~Board of Zoning Appeals~~Administrative Board/Planning Commission. Notice of such appeal shall be in writing and shall be filed with the Board within ten days after the making of such order. The Board within ten days after filing of such notice of appeal, shall proceed with the hearing of such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall approve, modify or annul such order from which the appeal has been perfected, and the finding of such Board shall be final on all parties thereto.

(Ord. 10000. Passed 1-14-85.)

#### 165.05 MEETINGS, RULES, RECORDS, ATTENDANCE AND QUORUM.

The Planning Commission shall hold meetings regularly at least once **in every month**, and shall designate the time and place thereof. All proceedings of the Commission shall be public. **The Commission shall adopt its own rules of procedure** and shall keep a record of its proceedings. Five members, whether voting or non-voting, shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

(a) If a member is absent without excuse, as set forth herein, at three (3) consecutive meetings or five (5) meetings during a calendar year, his or her appointment shall automatically terminate. The Chairperson shall notify the Manager or Council President of such event, according to whether the member was appointed by the Manager or by Council. The appointing authority shall thereupon notify the member of his or her removal due to accumulated absences, and shall proceed without undue delay to appoint a replacement for the balance of the original term of such person's appointment. The removed member shall be ineligible for appointment to the Commission for a period of one (1) year following his or her removal.

(b) A request for excuse from a meeting shall be communicated to the Chairperson by telephone or email at least twenty-four (24) hours before the meeting is scheduled to commence, except in the event of sudden illness or emergency, in which case such request shall be made as soon as practicable. Excuse from a meeting shall be granted in the event of attendance of scheduled events or gatherings, work obligations, travel outside the community, personal injury or illness, illness or death of a family member, and other reasons acceptable to a majority of the members of the Commission. (Ord. 2012-142. Passed 9-4-12.)