



City of Ashtabula

Ashtabula City Council

Community Development/Economic Development/Parks & Recreation Committee Meeting

Wednesday, February 5, 2025 at 5:30 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. Temporary Stores and Food Trucks draft legislation
- 4. City Manager's Report**
- 5. Parks & Recreation Committee Report**
- 6. Unfinished Business**
- 7. New Business**
- 8. Next Meeting**
 - a. March 5, 2025
- 9. Adjournment**

CHAPTER 759

Temporary Stores & Mobile food vendings

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 Mobile food vending Definitions

759.08 Mobile food vending - Registration Required

759.09 Mobile Food Vending - Expiration and Renewal of Registration

759.10 Mobile Food Vending - Transfer of Registration Prohibited

759.11 Mobile Food Vending - General Operational Requirements

759.12 Mobile Food Vending - Location Requirements.

759.13 Mobile Food Vending - Exemptions

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 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.

(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.

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

759.07 MOBILE FOOD VENDING - DEFINITIONS

"Food trailer" shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.

"Mobile food vending" 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.

"Special Event" means: any temporary, planned recreational event which is located wholly or partially on public property which requires coordination of City resources beyond what is normally provided. Special Event includes, but is not limited to, concerts, festivals, tournaments, residential block parties, waterway activities, timed or competitive races, fundraising runs and walks, non-motorized vehicle rides, parades, private functions and ceremonies. A Special Event does not include a Spontaneous Event, regular vehicular traffic, lawful picketing, or a funeral procession.

759.08 MOBILE FOOD VENDING - REGISTRATION REQUIRED

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Ashtabula without a current and valid mobile food vending annual registration.

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the city of Ashtabula 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 Ashtabula City Codes, whichever is applicable.

Mobile food vending units that only operate as part of a special event shall not require a mobile food vending registration. Such units must comply with any health and fire licensing requirements of the State.

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.

A registered mobile food vendor shall comply with all local and state fire codes.

A Mobile Food Vendor registration shall be submitted to ... and include the following minimum requirements:

- a. Copy of current/valid State of Ohio mobile food vendor license;*
- b. A mobile food vending health license/permit as provided for by the State of Ohio;*
- c. Proof of registration with city's Income Tax Division;*
- d. Proof of current liability insurance of at least \$100,000;*
- e. A physical description of the unit proposed to be registered for mobile food vending;*
- f. The name, permanent address, telephone number, and electronic mail address of the owner of the mobile food vending unit;*
- g. A non-refundable \$80 registration fee;*
- h. Approval/Proof that the mobile food unit has passed a fire safety code inspection conducted by the Fire Division;*
- i. 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.*

A registration is not considered complete unless all minimum requirements are satisfied.

759.09 MOBILE FOOD VENDING - EXPIRATION AND RENEWAL OF REGISTRATION

Each registration under this chapter shall expire on the thirty-first (31st) day of March following the date of issue.

Each registrant must comply with the application requirements of this chapter to receive a new registration for the succeeding registration period.

759.10 MOBILE FOOD VENDING - TRANSFER OF REGISTRATION PROHIBITED.

No mobile food vending registration under this chapter shall be transferred or assigned by the named registrant 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 requirements of this chapter.

759.11 MOBILE FOOD VENDING - GENERAL OPERATIONAL REQUIREMENTS

- 1. Mobile food vendors 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.*
- 2. 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;*
- 3. 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;*
- 4. Post, in a conspicuous place, a notice to customers requesting that they use the refuse and/or recycling receptacle(s) provided;*
- 5. Legally dispose of all refuse and/or recyclable materials collected under this section;*
- 6. Only sell or serve food sidewalk side, if vending from a street, road or alley;*
- 7. Comply with applicable provisions of the Americans with Disabilities Act related to pedestrian use of city sidewalks;*
- 8. Upon request from any person authorized under Ashtabula Codified Ordinances, provide any documentation or reservation confirmation required for mobile food vending in the public right of way;*
- 9. 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;*
- 10. Comply with all established parking rules and regulations, including prompt and timely payment of any applicable parking meter fees;*
- 11. Refrain from selling food items to occupants of vehicles stopped in traffic or to any person standing in a street of the City;*
- 12. Refrain from leaving the mobile unit unattended at any time during hours of operation;*
- 13. Refrain from causing or allowing the projection of music from a mobile food vending unit;*

14. Refrain from causing or allowing the use of any sound system to announce the availability of goods.

759.12 MOBILE FOOD VENDING - LOCATION REQUIREMENTS.

Food Trucks may only be located on a lot with a principally permitted use on the same zoning lot (no operation on vacant lots).

No individual or organization shall cause or allow the operation of a mobile food vending unit in any of the following:

- *In a residential zone, any location other than a private driveway;*
- *A handicap parking space;*
- *A valet zone during hours of normal operation;*
- *A loading zone during hours of normal operation;*
- *Any metered parking space with a maximum parking time of thirty (30) minutes or less;*
- *Any taxi stand during hours of operation;*
- *Any bus stop at any time;*
- *The public right of way abutting a commercial establishment utilizing sidewalk dining, as this constitutes unreasonable interference with pedestrian traffic;*
- *The public right of way abutting public or city permitted bicycle parking, a fire hydrant, or a public trash or recycling receptacle;*
- *Anywhere in the public right of way when a street and/or sidewalk closure has been issued by the city of Ashtabula for construction, maintenance, or any other permitted purpose, unless authorized by written agreement with the individual or entity requesting the closure;*
- *The public right of way between the hours of 1:00 a.m. and 6:00 a.m.;*
- *The public right of way within one-thousand (1,000) feet of any pre-K-12 school, provided that nothing herein shall prohibit operation on school property at the discretion of the school;*
- *Any City owned property, without the approval of the City Manager;*
- *The public right of way on either side of the portion of a street, road or alley that abuts any City of Ashtabula facility, without City Manager approval (only as part of a special event or public event);*
- *A sidewalk unless the unit is a pushcart;*
- *Within one-thousand (1,000) feet of any special event, except as follows: as an authorized participant in said event or with the express written permission of the event organizer(s);*
- *Within 100 feet of a restaurant that is unaffiliated with the mobile food vending unit;*
- *The public right of way if the unit is not parallel to the curb;*
- *The public right of way on any bridge or other elevated roadway;*
- *The public right of way so as to unreasonably impede the flow of pedestrian traffic, including pedestrian ingress and egress from a building abutting such right of way;*
- *The public right of way so as to unreasonably impede the flow or operation of vehicular traffic; or*

- *A parking space designated as unavailable for mobile food vending by the Ashtabula Police Chief or Ashtabula Fire Chief because such location would constitute a threat to public safety.*

759.13 MOBILE FOOD VENDING – EXEMPTIONS

The following activities are exempted from the provisions of this Chapter:

- Ice Cream Trucks;*
- Non-Incorporated Children's Stands;*
- Mobile Food Vehicle's conducting business at a particular property at the request of and with the permission of the property owner or operator of the business located on the property and which limits the sale of its food to employees or invitees of such business or property owner. Provided, however, such mobile food vending units may operate only between the hours of _____ a.m. and _____ p.m.*

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