

ORDINANCE NO. 44-2020

**AN ORDINANCE RENUMBERING A CERTAIN OF
THE CODIFIED ORDINANCES OF THE VILLAGE OF
LOUDONVILLE RELATED TO FOOD TRUCKS.**

WHEREAS, the Council of the Village of Loudonville previously enacted codified ordinances to govern the operation of food trucks in the Village of Loudonville; and

WHEREAS, the food truck ordinance was intended to be numbered as Chapter 860 of the Loudonville Codified Ordinances; and

WHEREAS, the Chapter 860 of the Codified Ordinances is already in use; and

WHEREAS, the Council of the Village of Loudonville wishes to renumber the food truck ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LOUDONVILLE, STATE OF OHIO:

SECTION 1. That the food truck ordinances enacted by Ordinance 13-2020 and numbered as Chapter 860 of the Loudonville Codified Ordinances is hereby renumbered to be Chapter 880 (Sections 880.01-880.05, 880.99), as attached hereto.

SECTION 2. That this Ordinance shall take effect on the earliest date allowed and remain in full force and effect thereafter.

Dated: _____

Stephen Stricklen, Mayor

ATTEST:

Elaine Van Horn, Fiscal Officer

Thomas R. Gilman, Village Solicitor

CHAPTER 880 MOBILE FOOD VEHICLES

880.01 Definitions

880.02 Food Vehicle Permit

880.03 Requirements for Operation

880.04 General Requirements

880.05 Exceptions

880.99 Penalty

880.01 DEFINITIONS.

(a) "Food" means all cooked, raw, or processed edible substance, ice, non-alcoholic beverage, or ingredient used or intended for use or for sale, in whole or part, for human consumption.

(b) "Food Vehicle" means a vehicle or trailer designed to be pulled behind a vehicle which has been specifically designed or used for mobile food vending.

(c) "Food Vehicle Permit" means the Permit issued by the Loudonville Fiscal Officer pursuant to this Chapter.

880.02 FOOD VEHICLE PERMIT.

(a) The Village of Loudonville Fiscal Officer shall issue Food Vehicle Permits to qualified applicants for a fee of:

\$10.00 for a one-day permit

\$50.00 for a calendar month permit (No proration)

\$200.00 for a calendar year permit (No proration)

Said Food Vehicle Permits shall be valid from the date of issuance until the end of the calendar year of issuance. The Loudonville Fiscal Officer may revoke the Food Vehicle Permit of any permit holder who, during the term of the permit, violates any provision in this Chapter.

(b) During any calendar month, a permit holder may park and/or operate its Food Vehicle in the Village of Loudonville no more than ten (10) times, and for a maximum of ten (10) hours per operation.

(c) Food Vehicle Permits shall be valid for one (1) vehicle and must be issued in the name of the person or entity owning the Food Vehicle.

(d) In applying for a Food Vehicle Permit, the applicant must provide:

- i) Name of Food Vehicle owner(s). If the Food Vehicle is owned by a corporation, limited liability company, or partnership of any kind, the applicant must provide the name(s) of the owner(s), shareholder(s), member(s), and/or partners.
- ii) The Food Vehicle's owner's mailing address.
- iii) Mobile telephone number of the person(s) who will operate the Food Vehicle in the Village of Loudonville.
- iv) Certification that the Food Vehicle has passed all necessary inspections and received all certificates or other approvals required by County and/or State law.
- v) Evidence of current general commercial liability insurance coverage in an amount of no less than one million dollars (\$1,000,000.00), and evidence that the insurance policy includes the Village of Loudonville as an additional insured at all times the Food Vehicle is operating in the Village. Said evidence may be requested by the Village at any time when a permit is in effect.
- vi) A statement of all violations of the Food Vehicle and/or Food Vehicle operator related to any ordinance, law, or regulation related to food preparation or sale in the previous five (5) years.

880.03 REQUIREMENTS FOR OPERATION.

(a) No person shall offer for sale any Food from any Food Vehicle within the Village without a current and valid Food Vehicle Permit issued by the Loudonville Fiscal Officer.

(b) A Food Vehicle Permit must be clearly and conspicuously displayed on the Food Vehicle during all times of operation in the Village of Loudonville and must be provided to any Loudonville Police Officer, Fire Department personnel, Village Administrator, and/or Fiscal Office representative who requests it.

(c) A Food Vehicle Permit must be obtained by the operator of any Food Vehicle before the Food Vehicle may operate within the Village.

(d) All Food Vehicles shall be subject to inspection during operation by the Loudonville Fire Department for compliance with local and state fire code laws and regulations.

(e) All Food Vehicles shall comply with inspection requirements, including the possibility of random inspections, as set forth in the Permit packet issued by the Village.

(f) Food Vehicles may not operate between the hours of 9:00 p.m. and 7:00 a.m., unless specifically authorized by the Mayor or Police Chief.

880.04 GENERAL REQUIREMENTS.

(a) All Food Vehicles operating in the Village must keep the surrounding area immediately adjacent to the Food Vehicle clean and must dispose all waste generated from the operation. The Food Vehicle operator must provide trash cans for patron use and must dispose of the trash at the operator's expense and not in a Village trash receptacle.

(b) All Food Vehicles must internally store and contain all sewage and waste water produced by the Food Vehicle. There shall be no discharge of any sewage and waste water onto the ground or into any storm water or sanitary sewers within the Village.

(c) Food Vehicles may not emit noise or light that with distract or endanger drivers, or which constitutes a nuisance.

(d) Food Vehicles may have only one (1) freestanding sign of no more than six (6) square feet. Said sign must be located no more than twenty (20) feet from the Food Vehicle and may not block pedestrian or vehicle traffic or obstruct vision of vehicle operators.

(e) All cooking and food preparation for food being served from Food Vehicles must be performed in the Food Vehicle.

(f) Food Vehicles may only sell food, non-alcoholic beverages, and clothing or containers displaying the Food Vehicle name and/or logo. Food Vehicles may not sell any other products including, but not limited to alcoholic beverages and/or tobacco products.

(g) Food Vehicles may only park and/or sell food, beverages, and/or allowed products on days and in areas designated for Food Vehicle operation by the Loudonville Village Council. The Loudonville Fiscal Office shall publish a list of those designated days and areas. Excepted from this requirement are mobile ice cream trucks, which shall be allowed to travel throughout the Village while selling products.

880.05 EXCEPTIONS. This Chapter shall not govern:

(a) Food Vehicles authorized to operate in the Village of Loudonville by the Loudonville Agricultural Society, Inc. during the Loudonville Free Street Fair.

(b) Food delivery vehicles delivering pre-ordered, sealed package, unprepared foods directly to businesses and/or residences to be prepared for consumption at a later time.

(c) Food delivery vehicles delivering food ordered from a restaurant and being delivered to the purchaser, such as pizza delivery drivers and similar delivery services.

880.99 PENALTY. Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree, punishable by a jail sentence of up to thirty (30) days, fines of up to \$250.00, and such other penalties as are allowed under Ohio law.