



## Legislation Details (With Text)

<b>File #:</b>	O-460-23	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	9/1/2023	<b>In control:</b>		City Council	
<b>On agenda:</b>	9/12/2023	<b>Final action:</b>			
<b>Title:</b>	Amending Toledo Municipal Code (TMC), Part Seven, Subsection 746.02, adding 746.02(j), a spacing requirement to the regulation of Mobile Food Vendors; and declaring an emergency.				
<b>Sponsors:</b>	Nick Komives				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Audio: Agenda Review 9/5/2023, 2. Video: City Council 9/12/2023				

Date	Ver.	Action By	Action	Result
9/12/2023	1	City Council	Referred To:	Pass

Council Member Komives

### **Amending Toledo Municipal Code (TMC), Part Seven, Subsection 746.02, adding 746.02(j), a spacing requirement to the regulation of Mobile Food Vendors; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

The proliferation of mobile food vendors in recent years has necessitated the adoption of a specific provision to the Municipal Code to ensure fair, safe and orderly operation of mobile food vendors, and to balance the interests of mobile food vendors and brick and mortar restaurants with the goal of encouraging economic growth within the City.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Part Seven Subsection 746.02; Business Regulation which reads as follows:

#### **746.02 General Operational Standards for Mobile Food Vendors.**

- (a) Mobile Food Vendors must submit an application on a form to be provided by the Mayor or his or her designee to the Department of Finance, Division of Taxation to operate any Mobile Food Vending Unit.
- (1) Applications for registration of a Mobile Food Vending Unit shall contain the following:
    - i. A certificate of tax and public utility compliance on file with the City of Toledo Division of Taxation, and Division of Utilities Administration;
    - ii. A retail food establishment operation license issued under Chapter 3717 of the Ohio Revised Code.
    - iii. Proof of a current State of Ohio Vendor license pursuant to R.C. 5739.01 et seq.;
    - iv. Proof of general liability insurance in the amount of One Million Dollars (\$1,000,000.00) for motorized trucks or trailers intended for Mobile Food Vending or Three Hundred Thousand Dollars (\$300,000.00) for Pushcarts.
  - (2) The owner of a Mobile Food Vending Unit must obtain a certificate of registration for

each unit owned and operated. A certificate of registration will be issued for display in each Mobile Food Vending Unit. Registrations issued under this section shall be valid for one (1) year from the date of issue.

(3) All registrations shall have an application fee of \$50.00.

(4) Any person who has been denied a Mobile Food Vending certificate of registration by the Director of Finance may appeal as provided under Section 701.10 herein.

(b) Mobile Food Vendors may not operate in any manner that blocks, obstructs, or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property. Mobile Food Vendors shall maintain a clear path of travel on the sidewalk pursuant to the Americans with Disabilities Act, as amended ("ADA") free of customer queuing, signage and/or all portions of the vehicle for clear movement of pedestrians.

(c) Mobile Food Vendors must keep the area within fifteen feet (15') of their Mobile Food Vending Unit free from all litter and debris arising from their operations, including the litter which arises from actions of customers in disposing of wrapping or packaging materials on food and/or merchandise sold by the vendor. Mobile Food Vendors not operating on a place-to-place basis as specified in Section 746.03 must provide receptacles for trash and litter, and recycling within fifteen feet (15') of their location during hours of operation. While operating, Mobile Food Vendors must maintain these receptacles in a manner that prevents waste from overflowing.

(d) Mobile Food Vendors shall be responsible for removing all waste generated by the internal operations of their unit. Such waste shall not be placed in public trash receptacles, city streets or drains, except those designated by the City for that use.

(e) Mobile Food Vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city; such authorizations shall be provided on forms provided by the Mayor or his designees with fees and costs set pursuant to his reasonable discretion.

(f) Merchandise and/or food may not be displayed or sold to the operator or occupants of vehicles stopped in traffic.

(g) Mobile Food Vendors shall be considered a fixed source for noise and subject to the limitations specified in Section 507.14 of this code. This includes, but is not limited to the use of loudspeakers, bells and generators or other devices

(h) No Mobile Food Vendor shall sell or offer for sale any food or other products from a Mobile Food Vending Unit unless it is legally parked, or shall sell or offer for sale products other than in the direction of the curbside if operating from an open public street.

(i) Mobile Food Vendors must remain with their Mobile Food Vending Unit at all times that the Mobile Food Vending Unit is parked on an open public street.

Be amended to read as follows:

#### **746.02 General Operational Standards for Mobile Food Vendors.**

(a) Mobile Food Vendors must submit an application on a form to be provided by the Mayor or his or her designee to the Department of Finance, Division of Taxation to operate any Mobile Food Vending Unit.

(1) Applications for registration of a Mobile Food Vending Unit shall contain the following:

i. A certificate of tax and public utility compliance on file with the City of Toledo Division of Taxation, and Division of Utilities Administration;

ii. A retail food establishment operation license issued under Chapter 3717 of the Ohio Revised Code.

iii. Proof of a current State of Ohio Vendor license pursuant to R.C. 5739.01 et seq.;

iv. Proof of general liability insurance in the amount of One Million Dollars (\$1,000,000.00) for motorized trucks or trailers intended for Mobile Food Vending or

Three Hundred Thousand Dollars (\$300,000.00) for Pushcarts.

- (2) The owner of a Mobile Food Vending Unit must obtain a certificate of registration for each unit owned and operated. A certificate of registration will be issued for display in each Mobile Food Vending Unit. Registrations issued under this section shall be valid for one (1) year from the date of issue.
- (3) All registrations shall have an application fee of \$50.00.
- (4) Any person who has been denied a Mobile Food Vending certificate of registration by the Director of Finance may appeal as provided under Section 701.10 herein.
- (b) Mobile Food Vendors may not operate in any manner that blocks, obstructs, or restricts the free passage of vehicles or pedestrians in the lawful use of the sidewalks or highways or ingress or egress to the abutting property. Mobile Food Vendors shall maintain a clear path of travel on the sidewalk pursuant to the Americans with Disabilities Act, as amended ("ADA") free of customer queuing, signage and/or all portions of the vehicle for clear movement of pedestrians.
- (c) Mobile Food Vendors must keep the area within fifteen feet (15') of their Mobile Food Vending Unit free from all litter and debris arising from their operations, including the litter which arises from actions of customers in disposing of wrapping or packaging materials on food and/or merchandise sold by the vendor. Mobile Food Vendors not operating on a place-to-place basis as specified in Section 746.03 must provide receptacles for trash and litter, and recycling within fifteen feet (15') of their location during hours of operation. While operating, Mobile Food Vendors must maintain these receptacles in a manner that prevents waste from overflowing.
- (d) Mobile Food Vendors shall be responsible for removing all waste generated by the internal operations of their unit. Such waste shall not be placed in public trash receptacles, city streets or drains, except those designated by the City for that use.
- (e) Mobile Food Vendors shall not utilize the city's electrical outlets, unless specifically authorized by the city; such authorizations shall be provided on forms provided by the Mayor or his designees with fees and costs set pursuant to his reasonable discretion.
- (f) Merchandise and/or food may not be displayed or sold to the operator or occupants of vehicles stopped in traffic.
- (g) Mobile Food Vendors shall be considered a fixed source for noise and subject to the limitations specified in Section 507.14 of this code. This includes, but is not limited to the use of loudspeakers, bells and generators or other devices
- (h) No Mobile Food Vendor shall sell or offer for sale any food or other products from a Mobile Food Vending Unit unless it is legally parked, or shall sell or offer for sale products other than in the direction of the curbside if operating from an open public street.
- (i) Mobile Food Vendors must remain with their Mobile Food Vending Unit at all times that the Mobile Food Vending Unit is parked on an open public street.
- (j) No Mobile Food Vendor shall sell or offer for sale any food or other products from a Mobile Food Vending Unit when within one hundred (100) feet of an entrance of a food service business operating from a fixed and permanent location during the operating hours of such business, unless written permission has been acquired from all restaurants within the one hundred (100) feet radius. This does not apply to a restaurant, already physically present in the city on a permanent basis, from mobile vending on their own private property.

SECTION 2. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Ordinance is required to be immediately effective in order to add a spacing requirement for Mobile Food Vendors; wherefore, this Ordinance shall be in full force and effect immediately upon its passage or at the earliest time allowed by law.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor