



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 0773-2014

30-day

File ID: 0773-2014

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Rules & Reference Committee

File Name: Ch. 573 Mobile Food Vending Code Change

File Created: 03/25/2014

Final Action: 04/08/2014

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: 5-5344

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To establish comprehensive City regulations pertaining to mobile food vending through the enactment of new Chapter 573 of the Columbus City Code; to repeal the existing version of Chapter 573 of the Columbus City Code; to suspend the application of Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) of the Columbus City Code; to amend Section 523.03 of the Columbus City Code to exempt mobile food vendors licensed under Chapter 573 from Chapter 523; and to amend Section 2151.16 of the Columbus City Code to exempt those licensed under Chapters 523 and 573.

Sponsors: Michelle M. Mills and Zachary M. Klein

Attachments: Chapter 573 - Mobile Food Vending

Approval History

Version	Date	Approver	Action
1	03/28/2014	Ken Paul	Approved
1	03/28/2014	ATTORNEY APPROVER	Approved
Notes	jsg		

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	03/31/2014	Read for the First Time				
1	Columbus City Council	04/07/2014	Approved				Pass
			Affirmative: 7	Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, Priscilla Tyson, and Andrew Ginther			
1	COUNCIL PRESIDENT	04/07/2014	Signed				
1	MAYOR	04/08/2014	Signed				
1	CITY CLERK	04/08/2014	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

BACKGROUND: This ordinance enacts new Columbus City Code Chapter 573 and repeals the existing version of Chapter 573, which currently regulates pushcarts. The newly enacted code will regulate all mobile food vendors such as food trucks, food trailers and pushcarts.

In November 2012, City Council was approached about developing regulations for food trucks and other mobile food vendors. The specific request was to permit mobile food vendors to operate in and sell from the public right of way. Currently, Chapter 573 permits pushcarts to operate on public sidewalks; however, C.C.C. §2151.16 of the Traffic Code restricts commercial sales from the public streets to no more than 15 minutes. While this can accommodate vendors such as ice cream trucks, the 15 minute limit makes it effectively impossible for other mobile food vendors to operate from the public streets.

The primary goals of this effort were to support a growing industry, bring mobile food vendors into the fabric of our city and update the code so that it can meet the needs of today's mobile food industry, all while preserving public health and safety. The food truck industry is growing in Columbus and across the nation. Columbus is becoming a food destination. In addition to current and prospective food truck owners wanting to be able to sell from the public streets, there is demand for greater access to food trucks from residents and tourists.

All mobile food vendors are already inspected and licensed by the Health Department. Chapter 523, titled "Commercial Sales," regulates commercial sales on private property and in the public right of way. Mobile food vendors that are not pushcarts were required to be licensed under Chapter 523. Pushcarts were already regulated by the current Chapter 573.

This proposed code will replace the existing pushcart code and replace the requirement for mobile food vendors to be licensed under Chapter 523. The code will provide comprehensive regulations for all mobile food vendors, including pushcarts, food trucks, food trailers and pedi-food carts. The code will require the licensing and inspection all mobile food vendors operating on private property and in the

public right of way by the Safety Department. The code will allow mobile food vendors to sell from the public right of way, regulate how they operate and streamline the application and licensing process. Representatives from City Council, the Department of Public Safety, the Department of Public Service, Columbus Public Health and the City Attorney's office were consistently consulted as the code was drafted and finalized.

This was a comprehensive effort that involved the development and implementation of a pilot program as well as many external and internal meetings and discussions, public hearings and presentations to community groups. From 2012 to present, some highlights include:

- Fall 2012 Informal discussions being
- Dec. 2012 1st stakeholders meeting
- Early 2013 Internal and external meetings
- May 2013 2nd stakeholders meeting
- Public hearing on the pilot program
- June 2013 Pilot program begins
- 3rd stakeholders meeting
- Fall 2013 Discussions and meetings re: permanent legislation
- Dec. 2013 4th stakeholders meeting; present program framework
- Pilot program ends
- Feb. 2014 5th stakeholders meeting; present draft code
- Public hearing on draft code
- Mar. 2014 6th stakeholders meeting

Throughout this process, the City has worked with stakeholders of the mobile food vending industry, the restaurant industry, community organizations, neighborhood groups and business organizations to devise clear and fair regulations that support public health and safety, economic growth and the vibrancy of our city. This ordinance will help our mobile food vending industry more fully integrate into the fabric of our city and food-scene, and have greater access to their customers.

In addition to enacting new Chapter 573, this ordinance amends Section 523.03 of the Columbus City Code to exempt mobile food vendors licensed under Chapter 573 from Chapter 523. The ordinance will also amend Section 2151.16 of the Columbus City Code to exempt those licensed under Chapters 523 and 573, so that those licensees are not restricted by the 15 minute limitation.

Following consideration of this legislation, three additional items will be presented to Council relating to the mobile food vending code. First, an ordinance creating code for the temporary commercial zone permit will be considered. Second, an ordinance including a map to establish the congestion, commercial and non-commercial zones will be considered. Last, temporary appointments will be made to the Mobile Food Vending Advisory Board, with formal appointments and elections for voted-members to take place at the end of 2014.

The application of certain provisions of this code will be suspended temporarily for the following purposes: Sections 573.132 and 573.134 will be suspended to allow time for the identification and designation of mobile food vending only parking spaces and mobile food vending courts, and for the establishment of congestion zones

Section 573.133(a) will be suspended to allow time for the establishment of commercial zones

Sections 573.141 will be suspended to allow time for the development of a reservation system

Sections 573.161, 573.162, 573.163 and 573.164(b) will be suspended to allow time to identify and appoint people to serve as representatives on the Mobile Food Vending Advisory Board

FISCAL IMPACT: None

Title

To establish comprehensive City regulations pertaining to mobile food vending through the enactment of new Chapter 573 of the Columbus City Code; to repeal the existing version of Chapter 573 of the Columbus City Code; to suspend the application of Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) of the Columbus City Code; to amend Section 523.03 of the Columbus City Code to exempt mobile food vendors licensed under Chapter 573 from Chapter 523; and to amend Section 2151.16 of the Columbus City Code to exempt those licensed under Chapters 523 and 573.

Body

WHEREAS, the mobile food vending industry in Columbus is a growing and in-demand industry; and

WHEREAS, while current Chapter 573 regulates pushcart operations and Chapter 523 regulates commercial sales in the city of Columbus, there is a need to establish comprehensive and specific regulations for mobile food vending; and

WHEREAS, this code establishes regulations for mobile food vending that preserve public health and safety while meeting the needs of today's mobile food vending industry; and

WHEREAS, these regulations will require the licensing and inspection all mobile food vendors operating on private property and in the public right of way by the Department of Public Safety; and

WHEREAS, it will also allow mobile food vendors to sell from the public right of way, regulate how mobile food vendors operate and streamline the application and licensing process; and

WHEREAS, this code will also support economic development and tourism in Columbus; and

WHEREAS, it is necessary to suspend the application of Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) in order to allow time to prepare for the implementation of requirements set forth in those sections; and

WHEREAS, this ordinance establishes language and authorizes the amendment of Chapters 573, 523, and 2151 of the Columbus City Code for the above-described purpose; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 573 of the Columbus City Code is hereby amended through the enactment of new Chapter 573 to read as follows:

See attached file: "Chapter 573 - Mobile Food Vending"

SECTION 2. That existing Chapter 573 of the Columbus City Code is hereby repealed.

SECTION 3. That Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and

573.164(b) of the Columbus City Code are hereby suspended and shall not apply for a limited duration as set forth in this ordinance.

SECTION 4. That Section 523.03 of the Columbus City Code is hereby amended to read as follows:

523.03 Exemptions.

The following types of organizations and individuals selling goods, wares, merchandise, food or drink for human consumption, services or any other commodity on their behalf are not required to obtain a commercial sales promoter license under this section:

- (a) State and local governmental departments, agencies and subdivisions, including public schools;
- (b) State accredited private schools and academies;
- (c) Civic, patriotic, religious and political groups, recreational, fraternal or cultural organizations;
- (d) Special events as defined in Section 523.01(i);
- (e) Any organization's bona fide officer or employee that holds a valid charitable solicitation license pursuant to CCC 525.03;
- (f) A person who does not go place to place, and who sells items they grow, raise or manufacture, and who sells such items on private property. However, this person must be able to prove, preferably in writing, that they have permission from the property owner to sell; and
- (g) A mobile food vendor who possess a current and valid mobile food vending license pursuant to CCC 537.

Any license officer or law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption. The above organizations or individuals shall otherwise comply with all applicable requirements of Columbus City Code 525 and any state or federal regulations.

SECTION 5. That Section 2151.16 of the Columbus City Code is hereby amended to read as follows:

2151.16 Parking limited while offering materials for sale.

- (a) Except as provide for in Chapters 523 and 573 of the Columbus City Codes, No no person shall park or stand any vehicle from which anything is offered for sale on any street for a period exceeding fifteen (15) minutes, except when special permission of the safety director has been granted.
- (b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150

SECTION 6. That the suspension of Sections 573.132, 573.133(a), 573.134, 573.141 as provided for in this ordinance shall remain in effect until October 1, 2014.

SECTION 7. That the suspension of Sections 573.161, 573.162, 573.163 and 573.164(b) as provided for in this ordinance shall remain in effect until May 15, 2014.

SECTION 8. That the Director of Public Safety shall provide written notice to all city agencies that Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) have been suspended as provided for in this ordinance.

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Chapter 573 Mobile Food Vending

573.01 Definitions

When used in this chapter of the Columbus City Codes:

- (a) “Boar d” shall mea n t he Mobi le Food Vendi ng Advi sory Boar d.
- (b) “ Columbus Public Health” sha ll mea n t he department of health for the City of Columbus, as established in Chapter 135 of the Columbus City Codes.
- (c) “Commer ci al Zone” sha ll mea n a geogr aphic ar ea t hat has a c ombi nat i on of publi c ri ght of way access, vehicular traffic patterns, pedestrian density, and mobility options, such that reasonable access for mobile food vending does not constitute an unreasonable threat to public health and safety.
- (d) “Conges t ion Zone” sha ll mea n a geogr aphic ar ea t hat has a combi nat i on of publi c ri ght of way parking limitations, meter restrictions, vehicular traffic patterns, pedestrian density, and mobility issues, such that unrestricted access for mobile food vending constitutes an unreasonable threat to public health and safety.
- (e) “Dir ect or” sha ll mea n the director of public safety, or his or her designee.
- (f) “Depart ment of Healt h” sha ll have t he sa me mea ni ng as “l i cens or ” for a mobile vending health license in Ohio Revised Code 3717.01(O).
- (g) “Desi gnated publi c ri ght of way ac ce ss permit” sha ll mea n a documen t issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate for a defined period of time in a specific, designated mobile food vending space in the public right of way or in a mobile food vending court, subject to the limitations and provisions of this chapter.
- (h) “Divi si on of Fi re” sha ll mea n t he Depart ment of Publ ic Safet y, Di vi si on of Fi re, and i s f urt her defined in Section 217.04 of the Columbus City Codes.
- (i) “ Downtown District” sha ll have the same meaning and boundaries as the Downtown District in Chapter 3359 of the Columbus City Codes.
- (j) “ Food” sha ll mea n a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (k) “ Food delivery operation” sha ll mea n a food service operation from which food is ordered off-site by a c ust omer , pr epar ed, and deli ver ed t o t he customer . “Food deli ver y oper at i on” i ncl udes, by way of example and not by way of limitation, pizza delivery, sandwich delivery, restaurant delivery services, or “f ood deli ver y sa l es oper at i ons” as de fi ned i n Ohi o Revi sed Code 3717.01(H).
- (l) “Food Ser vi ce Oper at i on” sha ll mea n, for the purposes of a mobile food vending license, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this division, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
- (m) “Food tr ai ler” sha ll mea n any vehi cl e wit h out motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.

- (n) “Food truck” shall mean a vehicle propelled by an engine which has been specifically designed or
used for mobile food vending.
- (o) “Food truck industry” shall mean both food trucks and food trailers.
- (p) “Food vending operation” shall mean a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this division, “served” means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and
“prepared” means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
- (q) “General public right of way access permit” shall mean a document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate in the public right of way outside designated spaces or mobile food courts in congestion or commercial zones, subject to the limitations and provisions of this chapter.
- (r) “Health license” shall mean an official document issued by a department of health pursuant to Section 3701 of the Ohio Revised Code. Such health license shall be separate from any other license required under this chapter. Such document may be either an annual health license or a temporary health license.
- (s) “License Section” shall mean the Department of Public Safety, Division of Support Services, License Section, and is further defined in Columbus City Codes Sections 501.02 and 501.03.
- (t) “Licensing period” shall mean the sixteenth (16th) day of March to the fifteenth (15th) day of March of the next succeeding year.
- (u) “Mobile food vending court” shall mean a location where the public right of way is closed for vehicular traffic on a temporary or permanent basis to allow two or more mobile food vending units to operate from such location.
- (v) “Mobile Food Vending License” shall mean an official document issued by the Department of Public Safety authorizing operation of a mobile food vending unit within the corporate limits of the city of Columbus. Mobile food vending license does not include a health license required by
Section 3717 of the Ohio Revised Code. Unless otherwise stated, “license” shall have the same
meaning as “mobile food vending license.”
- (w) “Mobile food vending unit” shall mean a food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location. For the purposes of a mobile food vending license, “mobile food
vending unit” excludes food delivery operations and vending machines, as defined in Ohio
Revised Code 3717.01(L).
- (x) “Mobile food vendor” shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any mobile food vending unit.
- (y) “Non-commercial zone” shall mean all areas within the corporate limits of the city of Columbus
that have not been designated a “congestion zone” or a “commercial zone.” Non-commercial zone includes any public right of way where the City of Columbus requires, at all

times, a permit for parking.

- (z) "Operator" shall mean the individual who manages one (1) or more mobile food vending units whether as the owner, an employee of the owner or as an independent contractor.

- (aa) “Permanently revoke” shall, for the purposes of a mobile food vending license, mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license.
- (bb) “Pedal food cart” shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending and is or may be operated on a road, street or alley.
- (cc) “Public event” shall, for the purposes of a mobile food vending license, mean any public activity or gathering or assemblage of people, other than a special event, that is open to the general public for admission, requires payment for entrance, attendance or participation, and requires the issuance of a health license or temporary health license pursuant to Ohio Revised Code 3717.01 for participating mobile food vendors. “Public event” includes, by way of example and not by way of limitation, a sporting event at an arena or stadium, a state fair, a concert, or a theatre production.
- (dd) “Public right of way” shall mean any property owned by the City of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
- (ee) “Pushcart” shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending. Vehicles not specifically designed for mobile food vending including, by way of example and not by way of limitation, racks, wheelbarrows, dollies, grocery carts, baby carriages, tables, chairs, benches, cabinets, or other furniture and boxes, buckets, tubs, or other containers or devices which normally rest on the ground whether or not wheels have been attached shall not be licensed as pushcarts.
- (ff) “Revoke” shall, for the purposes of a mobile food vending license, mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license.
- (gg) “Retail food establishment” shall, for the purposes of a mobile food vending license, mean a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for sale of food to a person who is the ultimate consumer.
- (hh) “Rule” or “rules” shall, unless otherwise stated in this chapter, mean rules promulgated as provided for in Sections 121.01 through 121.05 of the Columbus City Codes. Such rules shall not be temporary rules and shall be submitted to the Mobile Food Vending Advisory Board at least 30 days prior to promulgation.
- (ii) “Short North” shall have the same meaning and boundaries as the Victorian Village Commission and the Italian Village Commission in Chapter 3119 of the Columbus City Codes.
- (jj) “Special event” shall, for the purposes of a mobile food vending license, mean any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade permit, community market, or other like permit has been issued by the City of Columbus.
- (kk) “Suspend” shall, for the purposes of a mobile food vending license, mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
- (ll) “Temporary commercial zone” shall mean the closing of one (1) or more parking locations in the public right of way between one (1) or more intersections, while maintaining vehicular traffic access on the street, road, or alley, for the purpose of conducting commercial activity.

including mobile food vending.

(mm) “University district” shall mean the geographical area within the Glen Echo ravine on the north, Penn Central railroad on the east, Fifth Avenue on the south and the Olentangy River on the west.

- (nn) “Vending” shall mean the sale of food to a person who is the ultimate consumer. Such sales do not include those from a vending machine, as defined in Ohio Revised Code 3717.01(L).

573.02 License required for operation

- (a) No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the city of Columbus without a current and valid mobile food vending license issued by the License Section in accordance with the provisions of this chapter and applicable general licensing requirements contained in Chapter 501 of the Columbus City Codes.
- (b) No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the city of Columbus 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 Columbus City Codes, whichever is applicable.
- (c) No commercial sales, commercial sales promoter, or itinerant vendor license shall be required for the operation of a mobile food vending unit.
- (d) Mobile food vending units that only operate as part of a special event or public event shall not require a mobile food vending license. Such units must comply with any health licensing requirements of the State of Ohio.
- (e) 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.

573.03 Application for license

- (a) An application packet for a mobile food vending license and a health license must be submitted by the owner of the unit to the License Section. A separate application packet must be submitted for each unit. Application for a mobile food vending license shall be on a form prescribed by the License Section and shall substantially comply with subsection (b) of this section. Application for a health license shall be on a form approved by the State of Ohio and shall be provided forthwith to Columbus Public Health; if, however, the owner of a unit has received a current and valid health license from a department of health other than Columbus Public Health, proof of such license must be submitted in lieu of a health license application.
- (b) Application for a mobile food vending license shall be made under oath and shall contain the following information and/or material:
 - (1) Name, permanent address, telephone number, electronic mail address, date of birth, and driver's license number of the mobile food vending unit owner;
 - (2) Business name or DBA, permanent address, and telephone number, if different from the owner information;
 - (3) Proof of Ohio Department of Taxation Itinerant Vendors License, if required;
 - (4) Proof of insurance, as required by this chapter, or by any city, state, or federal law, rule, or policy;
 - (5) A physical description of the unit proposed to be licensed for mobile food vending;

- (6) Current and valid state vehicle registration information for the unit proposed to be licensed for mobile food vending;
- (7) Proof of a city income tax filing number or exemption from the City of Columbus division of income tax;
- (8) Proof that the applicant is current and compliant in the payment of any City of Columbus taxes on payroll and net profits at the time such proof is submitted; or if the applicant is not current and compliant in the payment of any City of Columbus taxes on payroll and net profits, that applicant has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement at the time such proof is submitted;
- (9) Proof of a filing number or exemption from the Ohio Department of Taxation;
- (10) Affirmation that, upon issuance of a license, the applicant will conduct a criminal background check prior to allowing any person to operate the mobile food vending unit in the public right of way;
- (11) Affirmation that, upon issuance of a license, the applicant will provide to the License Section written documentation of any change in the information required by this chapter, as well as written documentation of any modification, damage, destruction, or decommissioning of the unit, within ten (10) calendar days of any such change; and
- (12) Any other information required by the License Section or the department of health.
- (c) The License Section must examine all applications for a mobile food vending license filed under this chapter and make, or cause to be made, any further investigation into the application as is deemed necessary in order to make a timely determination regarding the application.
- (d) The License Section shall provide a written determination to each applicant. If a complete application for a mobile food vending license is not approved, any reason(s) for that determination must be provided to each applicant in writing.
- (e) The License Section must immediately forward the original application for a health license to Columbus Public Health, which shall consider the application as provided for by the State of Ohio. Columbus Public Health shall provide a written determination regarding the application to the License Section. If an application for a mobile food vending health license is not approved, any reason(s) for that determination must also be provided to each applicant in writing.
- (f) Upon approval of the application(s), each unit proposed to be licensed for mobile food vending shall be inspected as provided for herein prior to the issuance of any mobile food vending license or health license. Nothing in this section shall limit the authority of a department of health to conduct an inspection as otherwise allowed by the State of Ohio.
- (g) Any rules or ordinances that contain information related to the license process or operation of a mobile food unit shall be provided to the applicant and made available on the License Section's website.

573.04 Application fee

- (a) Each application for a mobile food vending license shall be accompanied by a non-refundable application fee in the amount of fifty dollars (\$50.00).
- (b) Each application for a health license shall be accompanied by such fee as may be required by the State of Ohio or Columbus Public Health. Such fee, if remitted to the License Section, shall be provided forthwith to Columbus Public Health.

573.05 Inspection for license, generally

- (a) Prior to the issuance of a mobile food vending license, every unit must be inspected as provided for herein. Prior to the issuance of a health license, every unit must be inspected as provided for in Ohio Revised Code Chapter 3717 and rules promulgated under such code. If a unit has received a health license from a jurisdiction other than the City of Columbus, such unit may be inspected by Columbus Public Health, as provided for in Ohio Revised Code Sections 3717.27 and 3717.47.
- (b) At least once per licensing period, it shall be the duty of the License Section to coordinate with Columbus Public Health and the Division of Fire to establish a single location for the simultaneous inspection and testing of mobile food vending units.
- (c) If a complete application for a mobile food vending license is submitted outside the time established in Section 573.05(b), it shall be the duty of the License Section to coordinate with Columbus Public Health and the Division of Fire to establish a single location for the simultaneous inspection and testing of the mobile food vending unit, as applicable. Such inspection must take place within 10 days.
- (d) If a mobile food vending unit fails any inspection required by this chapter, the owner of such unit may request a re-inspection after responding to and/or correcting any findings, notices, or corrective actions resulting from the inspection. Only the inspection(s) failed must be repeated at a subsequent re-inspection. It shall be the duty of the License Section to coordinate with Columbus Public Health and the Division of Fire to establish a single location for the simultaneous re-inspection and testing of the mobile food vending unit, as applicable. Such re-inspection shall take place within 10 days of the owner's request for re-inspection.
- (e) The License Section may require the re-inspection of a licensed mobile food vending unit based on information required to be provided under Section 573.03(b)(11). The reason(s) for the re-inspection shall be stated in writing and provided to the owner.
- (f) Nothing in this section shall limit periodic inspections by the City of Columbus at the discretion of the inspecting authority.

573.06 Inspection process

- (a) Every mobile food vending unit shall be inspected by the License Section, Columbus Public Health and Division of Fire at least once per licensing period. Each department shall post on their websites, and make available in print upon request, a full and complete overview of the items to be inspected by the department, division, or section, as well as copies of any inspection forms to be utilized in such inspection. Nothing in this provision shall limit the ability of a city department, division, or section to place all such information on a single city website.
- (b) During each inspection or re-inspection conducted under this chapter, the city department conducting the inspection or re-inspection shall do all of the following:
 - (1) Provide to the owner a list of all items to be inspected at least 30 days prior to the date of the inspection or at least 7 days prior to the date of the re-inspection; however, if an inspection or re-inspection has been requested after such deadline, the information must be provided within a reasonable time prior;

- (2) Fully and completely inspect each mobile food vending unit; and
- (3) Document, in writing, any findings, notices, or corrective actions resulting from the inspection or re-inspection, providing such documentation to the affected owner within a reasonable time, as established by rule.

573.07 Inspection and license fees

- (a) For each mobile food vending unit, the owner shall pay to the License Section a non-refundable inspection and license fee of one-hundred-eighty dollars (\$180.00) for each licensing period. The owner must also pay to Columbus Public Health any fees assessed by or for such department. If a re-inspection is necessary, the initial re-inspection will require no additional fees or charges. For all subsequent re-inspections during a licensing period, the re-inspection fee shall include any fees assessed by or for Columbus Public Health, as well as one-hundred-eighty dollars (\$180.00) for the License Section.
- (b) For each mobile food vending unit that may operate in the public right of way, the owner shall pay to the License Section a non-refundable public right of way license fee, in addition to the fee under Section 573.07(a), for each licensing period. The fee shall be two-hundred-fifty dollars (\$250.00) per unit for each licensing period the owner receives such license.
- (c) The director of public safety or designee may allocate, by rule, a portion of each fee under subsection (b) to one or more organizations in congestion zones to defray the costs associated with operations or programs that benefit the public right of way.
- (d) There shall be no proration, reduction, or refund of such fees.
- (e) The License Section shall establish policies and procedures necessary to reimburse Columbus Public Health and the Division of Fire for routine fees associated with the aforementioned licensing and inspections, and to disburse any monies designated for organizations per subsection (c). Such reimbursement and disbursement must take place at regular intervals, at least four (4) times per calendar year.

573.08 Requirements for issuing a license

- (a) The License Section shall issue a mobile food vending license and corresponding decal(s) required by this chapter to an applicant who meets all of the following requirements:
 - (1) Who has received approval of an application as provided for in Section 573.03 of this chapter;
 - (2) Whose mobile food vending unit has passed the inspections required under this chapter;
 - (3) Whose mobile food vending unit is in compliance with all applicable requirements of this chapter and has obtained any permits, licenses or prior approval required by any city, state or federal agency;
 - (4) Who has not been denied a license under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the License Section that the reasons for such earlier denial no longer exist;
 - (5) Who has paid all applicable application and license fees; and
 - (6) Who is not otherwise refused a license under the requirements of this chapter.

- (b) If the applicant intends to operate in the public right of way, the License Section may refuse to issue licenses for operation in the public right of way as required by this chapter to any person:
 - (1) Who has been convicted of a felony, misdemeanor or code violation involving a sex offense, traffic in controlled substances, or any offense of violence as defined in Columbus City Code Section 2301.01, such conviction being entered within the seven (7) years preceding the date of application; or
 - (2) Who has been convicted of fraud, deceit, or misrepresentation, or of a theft offense as defined in Columbus City Code Section 2313.01, within seven (7) years preceding the date of application.
- (c) Decals provided in Section 573.08(a) of this chapter shall reflect the corresponding license number and shall be affixed to the mobile food vending unit in a conspicuous place, as provided for by rules under this chapter.
- (d) The License Section shall keep a record of the identification number of every unit and the date of inspection in its office.
- (e) Columbus Public Health shall issue a health license in accordance with rules and regulations established by the State of Ohio, pursuant to Ohio Revised Code Chapter 3717 and any local or state rules promulgated under authority of that code or the Columbus City Codes. A copy of each unit's health license shall be forwarded to the License Section, which shall keep a record of the identification number of every unit and the date of inspection.

573.09 Expiration and renewal of license

- (a) Each license issued under this chapter shall expire on the fifteenth (15th) day of March following the date of issue.
- (b) Each licensee must comply with the application and inspection requirements of this chapter to receive a new license for the succeeding licensing period.
- (c) Each health license shall expire on the date established by law.
- (d) Each health licensee must comply with the application and inspection requirements established by the State of Ohio, pursuant to Ohio Revised Code Chapter 3717 to receive a health license for the succeeding licensing period.

573.10 Transfer of license prohibited

No mobile food vending license or decal issued under this chapter shall be transferred or assigned by the named licensee to any other individual or organization, or to any other mobile food vending unit, nor shall any health license issued by Columbus Public Health be transferred or assigned by the named licensee 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, inspection and fee requirements of this chapter, as well as any application, inspection and fee requirements for a health license.

573.11 Insurance required for operation

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the city of Columbus without doing both of the following:

- (a) Providing to the License Section a certificate of general liability insurance from an insurance company duly licensed to transact such business in the State of Ohio or of an insurance company not authorized to transact business in this state, provided such insurance is written through a citizen of this state duly licensed as provided by Ohio Revised Code Sections 5905.03, et seq., in the amount of no less than
 - (1) One million dollars (\$1,000,000.00) for food trucks;
 - (2) One million dollars (\$1,000,000.00) for food trailers;
 - (3) Three-hundred-thousand dollars (\$300,000.00) for pedi-food carts; and
 - (4) Three-hundred-thousand dollars (\$300,000.00) for pushcarts.
- (b) Affirming, in writing, that the individual or organization will forever indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from operation of a mobile food vending unit in the public right of way.

573.12 Mobile food vending unit size, description, requirements, and prohibited equipment

- (a) A food truck, food trailer, or pedi-food cart operating in the public right of way shall be twenty-five (25) feet or less in length.
- (b) A pushcart operating in the public right of way shall be:
 - (1) Four (4) feet or less in width, including wheels;
 - (2) Nine (9) feet or less in length, of which not more than six (6) feet of length shall be used for the display storage, or preparation of items for sale or barter; and
 - (3) Six and one-half (6 ½) feet or less in height.
- (c) A mobile food vending unit operating in the public right of way utilizing a generator shall meet one of the following:
 - (1) The generator shall be wholly enclosed inside the frame of the mobile food vending unit;
or
 - (2) The generator shall be external to the unit, but fully enclosed other than space necessary for ventilation, securely affixed to the unit during operation, placed in a location as prescribed or approved by the Division of Fire, and, during operation, produce less than an average of sixty-six (66) decibels of sound as measured nine (9) feet from the generator over the course.
- (d) A mobile food vending unit operating exclusively on private property shall have no limitations established under this chapter regarding the size of the unit.
- (e) A mobile food vending unit operating exclusively on private property shall have no limitations established under this chapter regarding the use of a generator, provided that operation of such device is in compliance with Columbus City Code Section 2329.11.
- (f) For mobile food vending units, the director of public safety or designee shall promulgate such rules regarding mobile food vending unit size, description, construction, requirements, and prohibited equipment as may be necessary to protect the public health, safety, sanitation and general welfare.

573.13 General operational requirements

- (a) The owner and/or operator of a mobile food vending unit shall abide by all of the following:
 - (1) For any refuse collected from the operation of the unit, refrain from causing or allowing the disposal of such refuse in or beside any public trash container at any time, or the disposal of such refuse in or beside any private trash container without permission;
 - (2) For any recycling collected from the operation of the unit, refrain from causing or allowing placement of such recyclable materials in or beside any private recycling container without permission, or the placement of such recyclable materials in or beside any public recycling container, provided that recyclable materials may be placed in a public bulk drop-off recycling bin;
 - (3) Refrain from causing or allowing the illegal disposal or release of oils or greases;
 - (4) Refrain from causing or allowing to be placed in the public right of way any seating, signage, flower pots, or other temporary structures, with the exception of trash receptacles, structures necessary to meet requirements under Section 573.13(b)(6), or licensed pushcarts;
 - (5) Post, at the point of sale, the name, permanent address, telephone number, and electronic mail address of the owner of the mobile food vending unit;
 - (6) Post, at the point of sale, the mobile food vending license;
 - (7) Post, at the point of sale, the most recent health inspection placard from Columbus Public Health or health inspection license from any other department of health;
 - (8) Post, at the point of sale, the telephone number to report complaints to the City of Columbus;
 - (9) Comply with applicable provisions of Columbus City Code Section 2329.11; and
 - (10) Refrain from otherwise causing or allowing the operation of a mobile food vending unit in a manner that violates this chapter or applicable sections of the Columbus City Codes.
- (b) The owner and/or operator of a mobile food vending unit shall abide by all of the following requirements when vending from or on the public right of way:
 - (1) Maintain a 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;
 - (2) 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;
 - (3) Post, in a conspicuous place, a notice to customers requesting that they use the refuse and/or recycling receptacle(s) provided;
 - (4) Legally dispose of all refuse and/or recyclable materials collected under this section;
 - (5) Only sell or serve food sidewalk side, if vending from a street, road or alley;
 - (6) Comply with applicable provisions of the Americans with Disabilities Act related to pedestrian use of city sidewalks;
 - (7) Post, in a conspicuous place, any reservation confirmation required for mobile food vending in the public right of way;
 - (8) 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;

- (9) Comply with all applicable congestion, commercial, and non-commercial zone requirements;
- (10) Comply with all established parking rules and regulations, including prompt and timely payment of any applicable parking meter fees;
- (11) Refrain from causing or allowing any unauthorized person to enter an enclosed unit during operating hours;
- (12) Refrain from causing or allowing the projection of music from a mobile food vending unit except when temporarily operating from a street, alley or road as provided for in section 573.136;
- (13) Refrain from causing or allowing any person to operate or work from a mobile food vending unit in the public right of way if that person has been convicted of a felony, misdemeanor or code violation listed under 573.08(b) from or otherwise involving a mobile food vending unit within the preceding seven (7) years; and
- (14) Refrain from causing or allowing the use of any sound system to announce the availability of goods.

573.131 Operation in the public right of way

- (a) No individual or organization shall operate or cause to be operated any mobile food vending unit in the public right of way within the corporate limits of the city of Columbus without meeting the licensing and fee requirements of this chapter.
- (b) Mobile food vending units operating in the public right of way shall comply with the requirements of Titles 9 and 21 of the Columbus City Codes, where applicable. No individual or organization shall cause or allow the operation of a mobile food vending unit in any of the following:
 - (1) A handicap parking space;
 - (2) A valet zone during hours of normal operation;
 - (3) A loading zone during hours of normal operation;
 - (4) Any metered parking space with a maximum parking time of 30 minutes or less;
 - (5) Any taxi stand during hours of operation;
 - (6) Any bus stop at any time;
 - (7) The public right of way abutting a commercial establishment utilizing a current and valid sidewalk dining permit, as this constitutes unreasonable interference with pedestrian traffic;
 - (8) The public right of way abutting public or city permitted bicycle parking, a fire hydrant, or a public trash or recycling receptacle;
 - (9) Any non-commercial zone without a temporary commercial permit;
 - (10) Anywhere in the public right of way when a street and/or sidewalk closure has been issued by the City of Columbus for construction, maintenance, or any other permitted purpose, unless authorized by written agreement with the individual or entity requesting the closure;
 - (11) The public right of way between the hours of 3:00 a.m. and 6:00 a.m.;

- (12) 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;
 - (13) The public right of way on either side of the portion of a street, road or alley that abuts any City of Columbus Recreation and Parks facility, other than administrative facilities or facilities within the Downtown District, without a temporary commercial permit or as part of a special event or public event;
 - (14) A sidewalk unless the unit is a pushcart;
 - (15) Within one-thousand (1,000) feet of any special event, except as follows: with the express written permission of the event organizer; as an authorized participant in said event; or utilizing a designated mobile food vending access permit in an area not impacted by a street closure;
 - (16) The public right of way if the unit is not parallel to the curb;
 - (17) The public right of way on any bridge or other elevated roadway;
 - (18) 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;
 - (19) The public right of way so as to unreasonably impede the flow or operation of vehicular traffic; or
 - (20) A parking space unavailable for mobile food vending, as provided for in subsection (c).
- (c) The director of public service, in consultation with the director of public safety or designee, may designate parking spaces as unavailable for mobile food vending if operation of a mobile food vending unit at such location would constitute a threat to public health and safety. Such designation may be initiated by the department; at the request of the director of public safety or designee; or as follows:
- (1) A property owner or occupant-tenant abutting such location may submit to the director of public service or designee a written request for such designation.
 - (2) Such request must be on a form prescribed by the director of public service, setting forth the specific reasons for the request and any supporting information required by the director or designee.
 - (3) To submit such request, an occupant-tenant must possess a current and valid lease.
 - (4) To submit such request, an occupant-tenant must attest that either the governing lease requires the occupant-tenant to take such action, or he or she has made a good faith effort to obtain the property owner's permission prior to submitting such request, whichever is applicable.
 - (5) For the purposes of this subsection, "good faith effort" includes, by way of example and not by way of limitation, an electronic or physical request for permission which is dated at least seven (7) days prior to the date of request, or an affidavit stating that the owner was contacted at least seven (7) days prior to the date of request, but such owner refused or failed to respond to the request.
 - (6) The decision of the director of public service shall be rendered in a reasonable amount of time, as established by rules, and shall be final.
 - (7) Once decided, no additional requests for designation or removal of designation for such location may be considered within twelve (12) consecutive months, except as provided for in 573.165(c).

- (d) The director of public service shall establish, modify and change from time to time, rules and regulations for subsection (c) and reasonable costs associated with such request.

573.132 Operation in a congestion zone

- (a) Congestion zones for mobile food vending shall be established in rules promulgated by the director of public service, in consultation with the director of public safety and the Mobile Food Vending Advisory Board.
- (b) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, shall establish, across all congestion zones, no less than 20 parking locations designated for the exclusive use of mobile food vending units in the public right of way. Such parking locations shall be clearly marked “Mobile Food Vending Parking Only.” Such parking locations may be distributed across the established congestion zones, but shall not be limited to a single congestion zone.
- (c) In addition to the spaces provided for in subsection (b), any property owner in a congestion zone may submit a request for a parking location to be designated for the exclusive use of mobile food vending units in the public right of way if such location abuts the owner’s property. Locations that abut two or more properties shall require a joint request from all such property owners. Such request shall be submitted to the chair of the Mobile Food Advisory Board, which shall review such request pursuant to Section 573.165(c).
- (d) From 6:00 a.m. to 10:00 p.m., no mobile food vending unit shall operate in the public right of way, other than sidewalks, within a congestion zone, except in locations designated for mobile food vending. A mobile food vending unit may only operate in a designated location if it has reserved a designated public right of way access permit for that location per the electronic reservation system provided for in Section 573.14.
- (e) From 10:00 p.m. to 3:00 a.m., mobile food vending units may operate in the public right of way, other than sidewalks, within a congestion zone provided that all of the following requirements are met:
 - (1) The unit is licensed to operate in the public right of way; and
 - (2) The unit occupies the first or last parking space adjacent to an intersection; and
 - (3) The unit occupies and operates from a parking space that otherwise complies with the requirements of this chapter; and
 - (4) The owner and/or operator has reserved a general public right of way access permit per the electronic reservation system provided for in Section 572.14. As part of the reservation, the owner and/or operator shall be exempt from the requirements of Section 2155.05(a) of the Columbus City Codes, and any meter time for which payment would otherwise be required.
- (f) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may limit, by rule, the number of reservations available under subsection (e).

573.133 Operation in a Commercial Zone

- (a) Commercial zones for mobile food vending shall be established in rules promulgated by the director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board.
- (b) From 6:00 a.m. to 3:00 a.m. on any day, mobile food vending units may operate in the public right of way, other than sidewalks, within a commercial zone provided that all of the following requirements are met:
 - (1) The unit is licensed to operate in the public right of way; and
 - (2) The unit occupies the first or last parking space adjacent to an intersection; and
 - (3) The unit occupies and operates from a parking space that otherwise complies with the requirements of this chapter; and
 - (4) The owner and/or operator has reserved a general public right of way access permit per the electronic reservation system provided for in section 572.14. As part of the reservation, the owner and/or operator shall be exempt from the requirements of Section 2155.05(a) of the Columbus City Codes, and any meter time for which payment would otherwise be required.
- (c) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may establish, within any commercial zone, parking locations designated for the exclusive use of mobile food vending units in the public right of way. Such parking locations shall be clearly marked "Mobile Food Vending Parking Only." A mobile food vending unit may only operate in a designated location if it has reserved a designated public right of way access permit for that location per the electronic reservation system provided for in Section 573.14.
- (d) In addition to the spaces provided for in subsection (c), any property owner in a commercial zone may submit a request for a parking location designated for the exclusive use of mobile food vending units in the public right of way if such location abuts the owner's property. Locations that abut two or more properties shall require a joint request from all such property owners. Such request must be submitted to chair of the Mobile Food Advisory Board, which shall review such request pursuant to Section 573.165(c).
- (e) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may limit, by rule, the number of reservations available under subsection (b).

573.134 Operation in a designated mobile food vending court

- (a) The director of public service or designee, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, shall establish by rule mobile food vending courts in the public right of way. Such courts may be inside or outside congestion zones, but must otherwise comply with the requirements of Section 573.131.
- (b) Reservations through the electronic reservation system are required to vend in a mobile food vending court as provided in Section 573.14.
- (c) Any mobile food vending unit with a current and valid license to operate in the public right of way may utilize the aforementioned reservation system to vend in a mobile food vending court.
- (d) Any property owner in a congestion or commercial zone may submit a request for a mobile food vending court in a public right of way that abuts the owner's property. Courts in a public right of

way that about two or more properties shall require a joint request from all such property owners. Such request may be submitted to the chair of the Mobile Food Advisory Board, which shall review such request pursuant to Section 573.165(c).

573.135 Operation in a Non-Commercial Zone

- (a) No mobile food vending unit may operate in the public right of way in a non-commercial zone unless the owner of the unit has first received a temporary commercial zone permit from the director of public service.
- (b) A mobile food vending unit operating under a temporary commercial zone permit shall place the permit in a conspicuous place and shall abide by all applicable sections of this chapter.
- (c) A temporary commercial zone permit shall not be required for any operation on private property.
- (d) The director of public service shall establish, modify and change from time to time, rules and regulations for the application under subsection (a) and reasonable fees for costs associated with such a request.

573.136 Vending from a unit upon a street, alley or road

- (a) This section shall apply to mobile food vending units that go from place to place upon a street, alley or road with the intent to vend on a short-term, temporary basis at each place. Such units include, by way of example and not by way of limitation, an ice cream truck or other frozen dessert truck.
- (b) Such mobile food vending units shall do all of the following:
 - (1) Only stop when hailed by a potential customer;
 - (2) Only vend adjacent to a sidewalk, refraining from parking in a traffic lane to vend, or otherwise unreasonably obstructing traffic to vend;
 - (3) Only vend from such location for up to 15 minutes;
 - (4) Provide an adult attendant, at least 18 years of age, whose sole duty and occupation shall be to protect and safeguard customers from injury or hazards of vehicular traffic using such streets and public places. The attendant shall maintain a constant lookout for approaching vehicles and shall warn and guard customers from injury therefrom;
 - (5) Only operate from 8 a.m. to 8 p.m. in any zone; and
 - (6) Only utilize a sound system to project music.

573.137 Operation on Sidewalk, Pushcarts

- (a) No mobile food vending unit, other than a licensed pushcart, may operate from or on a public sidewalk.
- (b) Reservations through the electronic reservation system are required to operate a pushcart from or on a public sidewalk as provided in 573.14.
- (c) No person shall move a pushcart between the hours of 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 5:30 p.m., Monday through Friday (except holidays) on any sidewalk, walkway, street, road or alley in the Downtown District, Short North, or University District. Pushcarts may only

be operated during such hours and in such areas from a stationary position, and only if such position does not impede rush hour pedestrian or vehicular traffic.

- (d) Pushcarts shall not remain on any sidewalk, walkway, street, road or alley between the hours of 3:00 a.m. and 6:00 a.m.
- (e) No pushcart shall be used to sell, barter or offer or expose for sale any item or services upon any street, road or alley which is open to any other vehicular traffic.
- (f) No pushcarts shall be allowed on any arterial street as defined by Section 2101.035 of the Columbus City Codes, except to cross the arterial street at a crosswalk or if the pushcart is being towed by a motor vehicle.
- (g) Pushcarts shall not be used on any sidewalk:
 - (1) Within twenty (20) feet of an intersection with a street, road or alley;
 - (2) Within ten (10) feet of a pedestrian crosswalk or intersecting sidewalk;
 - (3) Abutting any building without permission of such building owner;
 - (4) So as to leave less than five (5) feet of space available for pedestrian traffic; or
 - (5) Which is constructed of granite, brick, or marble.
- (h) Pushcarts must abide by all of the applicable restrictions provided in Section 573.13.
- (i) Pushcarts shall be positioned on sidewalks as near as possible to the curb.
- (j) Subsection (i) shall not apply during a parade as defined in Chapter 2111 of the Columbus City Codes, or a race event as defined in Chapter 924 of the Columbus City Codes. Pushcarts located on any sidewalk along the route of a parade or a race event shall not be located adjacent to the curb but shall be positioned as close as possible to the sidewalk boundary opposite the curb while such parade or race event is in progress.

573.138 Special events and public events operation, licensed mobile food vending units

- (a) No mobile food vending license shall be required for any mobile food vending unit that operates exclusively within special events and/or public events.
- (b) If a mobile food vending unit operates in the public right of way solely due to its participation in a special event or public event, such unit shall not be required to obtain a public right of way license.
- (c) No mobile food vending unit with a current and valid license shall require an inspection or inspection fee by Columbus Public Health, the License Section or the Division of Fire in order to participate in a special event.
- (d) Proof of current and valid license shall be offered to the event organizers upon application.
- (e) Nothing in this section shall limit periodic inspections by the City of Columbus at the discretion of the inspecting authority.

573.139 Operation on private property

- (a) No individual or organization shall operate or cause to be operated any mobile food vending unit on private property within the corporate limits of the city of Columbus without meeting the licensing and fee requirements of this chapter, unless otherwise exempted by this chapter.
- (b) Operation of a mobile food vending unit on private property must be in compliance with all applicable zoning requirements related to commercial activity on private property.

573.14 Electronic Reservation System, establishment

- (a) The director of public safety or designee shall establish an electronic reservation system to allow access to the designated mobile food vending locations and the general public right of way access permit established in Sections 573.132, 573.133, 573.134, and 573.137.
- (b) Reservations must be made by a mobile food vending unit licensed to operate in the public right of way.
- (c) Reservations shall not be transferable, assignable or otherwise used by any unit other than the unit issued the reservation.
- (d) The director of public safety or designee, in consultation with the director of public service and the Mobile Food Vending Advisory Board, shall promulgate rules regarding the electronic reservation system.

573.141 Electronic Reservation System, fees

- (a) No fee shall be required for access to the reservation system established in Section 573.14, other than fees associated with the reservation of a designated public right of way access permit or a general public right of way access permit.
- (b) The director of public safety or designee, in consultation with the director of public service or designee, shall establish reservation fees for each location for designated vending. Such fees may provide for hourly, daily, or weekly reservations.
- (c) The director of public safety or designee, in consultation with the director of public service or designee, shall establish reservation fees for general public right of way access permits based on the zone for which the permit is issued. Such fees may provide for daily, weekly, or monthly reservations.
- (d) The director of public safety or designee may allocate, by rule, a portion of each reservation fee under subsection (b) and (c) to one or more organizations in congestion zones to defray the costs associated with operations or programs that benefit the public right of way.
- (e) The remainder of the proceeds from reservations for designated public right of way access permits and general public right of way access permits, less any contractual or administrative costs for the operation of the system, shall accrue to the department of public service.
- (f) The License Section shall establish policies and procedures necessary to reimburse the department of public service for amounts established in subsection (e), and to disburse to each applicable organization the amounts established in subsection (d). Such reimbursement and disbursement must take place at regular intervals, at least four (4) times per calendar year.

573.15 Record of mobile food vending unit rental

- (a) Mobile food vending unit owners shall keep a record of all leases and rentals of such units for operation by any individual or organization other than the owner or owner's operator. This record shall include the date of rental or lease, length of rental or lease, and name, address, date of birth, telephone number and commercial sales license number, if applicable, of the lessee or renter.

- (b) The owner of the mobile food vending unit must provide the lessee or renter with a copy of all applicable rules, regulations and ordinances regarding mobile food vending, and the contact numbers for the related inspecting authorities.
- (c) The renter or lessee must comply with all sections of this chapter, and all rules, regulations and ordinances that relate to the operation of a mobile food vending unit.
- (d) The mobile food vending unit shall be made available for inspection by the City of Columbus regardless of any rental or lease.

573.16 Mobile Food Vending Advisory Board

There is created a Mobile Food Unit Advisory Board, which shall consist of fifteen (15) members as follows:

- (a) The City of Columbus representatives shall consist of:
 - (1) A representative from the department of public safety;
 - (2) A representative from the department of public service; and
 - (3) A representative from Columbus City Council.
- (b) The appointed members shall consist of the following, appointed by the mayor and approved by ordinance of council:
 - (1) A representative from the Columbus tourism industry;
 - (2) Two (2) representatives from the Columbus community that are not otherwise represented on the Mobile Food Vending Advisory Board;
 - (3) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas north of 670 in the city of Columbus;
 - (4) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas south of 670 in the city of Columbus; and
 - (5) A representative from a city of Columbus restaurant.
- (c) Elected members shall consist of:
 - (1) Two (2) representatives from the food truck industry who operate in the public right of way;
 - (2) Two (2) representatives from the food truck industry who operate only on private property; and
 - (3) Two (2) representatives from pushcarts.
- (d) The representative from the department of public safety shall serve as chairperson of the board. In his or her absence, the representative from the department of public service shall serve as chairperson.
- (e) No person may be appointed to the board if he or she has any financial interest in the mobile food vending industry. This shall not limit those members elected to the board.

573.161 Licensed public right-of-way food truck industry representatives

- (a) The director of public safety shall conduct an annual election among the licensed food truck industry for the public right-of-way food truck industry representatives. Licensed food truck

owners who only operate on private property shall not be eligible to vote on the public right-of-way food truck industry representative or to serve as the public right-of-way food truck industry representative.

- (b) Nominations will be by petition bearing the name of the licensed public right-of-way food truck industry owner and the signatures of not less than five percent (5%) of the licensed public right-of-way food truck owners, determined as of December 1.
- (c) Each licensed public right-of-way food truck industry owner will be allowed two (2) votes, to be cast in person, according to such rules and procedures as the director shall establish.
- (d) The election shall be conducted in December and the candidates shall be notified of the results on or before the first Monday in January. The public right-of-way food truck industry owners that receive the highest two (2) vote totals shall be selected as the public right-of-way food truck industry representatives.
- (e) If no petitions are received bearing the valid signatures of at least five percent (5%) of the licensed public right-of-way food truck industry owners, the board shall, subject to appointment by the mayor, select the public right-of-way food truck industry representatives from among the licensed public right-of-way food truck industry.
- (f) In the event of a tie vote, the mayor shall select which of those tied shall serve on the board.

573.162 Licensed private property food truck industry representatives

- (a) The director shall conduct an annual election among the licensed food truck industry for the private property food truck industry representatives. Licensed food truck owners who operate in the public right-of-way shall not be eligible to vote on the private property food truck industry representative or to serve as the private property food truck industry representative.
- (b) Nominations will be by petition bearing the name of the licensed private property food truck industry owner and the signatures of not less than five percent (5%) of the licensed private property food truck owners, determined as of December 1.
- (c) Each licensed private property food truck industry owner will be allowed two (2) votes, to be cast in person, according to such rules and procedures as the director shall establish.
- (d) The election shall be conducted in December and the candidates shall be notified of the results on or before the first Monday in January. The private property food truck industry owners that receive the highest two (2) vote totals shall be selected as the private property food truck industry representatives.
- (e) If no petitions are received bearing the valid signatures of at least five percent (5%) of the licensed private property food truck industry owners, the board shall, subject to appointment by the mayor, select the private property food truck industry representatives from among the licensed public right-of-way food truck industry.
- (f) In the event of a tie vote, the mayor shall select which of those tied shall serve on the board.

573.163 Licensed pushcart representatives

- (a) The director shall conduct an annual election among the licensed pushcart industry for the pushcart representatives.

- (b) Nominations will be by petition bearing the name of the licensed pushcart owner and the signatures of not less than five percent (5%) of the licensed pushcart owners, determined as of December 1.
- (c) Each licensed pushcart owner will be allowed two (2) votes, to be cast in person, according to such rules and procedures as the director shall establish.
- (d) The election shall be conducted in December and the candidates shall be notified of the results on or before the first Monday in January. The pushcart owners that receive the highest two (2) vote totals shall be selected as the pushcart representatives.
- (e) If no petitions are received bearing the valid signatures of at least five percent (5%) of the licensed public right-of-way food truck industry owners, the board shall, subject to appointment by the mayor, select the pushcart representatives from among the licensed pushcarts.
- (f) In the event of a tie vote, the mayor shall select which of those tied shall serve on the board.

573.164 Notification of board member selections

On or before the first Monday in January of each year, notice of the selection of board members shall be given to the director of public safety as follows:

- (a) The License Section shall submit the names of elected representatives by means of a letter;
- (b) The mayor shall submit the names of the six (6) members which were appointed as provided in Section 573.16 by means of a letter; and
- (c) The mayor shall announce his tie breaking selection if necessary as provided in Sections 573.161, 573.162, and 573.163.

573.165 Powers of the board

The purpose of the board shall be to advise the City in the administration of mobile food vending.

- (a) The board shall have the authority and power to advise on rules and regulations governing the following:
 - (1) The mobile food vending unit size, description, requirements, and prohibited equipment;
 - (2) Adding, removing, amending, or otherwise altering congestion and commercial zones;
 - (3) The limitation of reservations in congestion and commercial zones;
 - (4) The creation of designated mobile food vending locations;
 - (5) The creation of mobile food vending courts;
 - (6) The electronic reservation system and reservation fees for use of the electronic reservation system;
 - (7) The designation of a parking space as unavailable for mobile food vending; or
 - (8) Any other matter that should reasonably, necessarily, and consistently be presented to the board for advisement.
- (b) The board shall help identify and evaluate designated mobile food vending designated spaces and courts.
- (c) The board shall at least once a year conduct a review of all zones, designated mobile food vending locations, mobile food vending courts, limitations regarding reservations, and spaces designated as unavailable for mobile food vending. The board may otherwise conduct such a

review at any regular meeting of the board at the discretion of the board. The board shall do all of the following in conducting and concluding such review:

- (1) Hold at least one (1) public meeting to hear requests from the public for additions, deletions, amendments, or other changes to mobile food vending zones, current and requested designated spaces, current and requested mobile food vending courts, reservations, and spaces designated as unavailable for mobile food vending;
 - (2) Establish by rule a uniform process to solicit input regarding the aforementioned from at least one affected business association, area commission, special improvement district or similar organization impacted by such review, and to consider objections to the aforementioned; and
 - (3) Forward its written recommendations on the same to the director of public safety or designee, and the director of public service, who shall consider the recommendations as provided for in relevant sections of this code.
- (d) The board shall receive and review, not less than thirty (30) days prior to promulgation, all proposed rules regarding mobile food vending, unless otherwise stated in this chapter. The board shall forward its recommendations in writing to the director or designee promulgating such rule, who shall consider the recommendations as provided for in relevant sections of this code.

573.166 Board members' terms; compensation

The City representatives shall serve during their incumbency. All other members shall serve for a term of one (1) year. All members shall serve without compensation.

573.167 Board vacancies

- (a) The board shall declare a vacancy in board membership if any member:
 - (1) Resigns, dies or becomes incapacitated;
 - (2) Has been convicted of a violation of any provision of Chapter 573;
 - (3) Fails to attend three (3) successive monthly meetings of the board; or
 - (4) Fails to attend four (4) monthly meetings of the board during the term of office.
- (b) If a vacancy of elected members is declared, the chair shall notify the appropriate classes of owners within fifteen (15) days. The appropriate class of owners shall have thirty (30) days after receipt of such notice to select a new board member pursuant to Sections 573.161, 573.162 and 573.163. However, if the vacancy occurs between September 1 and December 31, the elected member vacancy shall be filled by the board. The newly elected or appointed member shall serve the remaining unexpired term.
- (c) If a vacancy of a member appointed by the mayor is declared, the chair shall notify the mayor within fifteen (15) days. The mayor shall appoint a new board member pursuant to Section 573.16 within thirty (30) days of the receipt of the notice. The newly elected or appointed member shall serve the remaining unexpired term.

573.168 Meetings; hearings; voting quorums

- (a) The board shall meet at least once every month, at a time and place designated by the board. If a quorum cannot be assembled on the designated meeting date, then the meeting can be postponed until a time that a quorum can be assembled.
- (b) All members of the board will be voting members. Eight (8) members of the board shall constitute a quorum for the transaction of business and a majority vote of those members present at the annual review public meeting shall be necessary to recommend any changes to zones, designated spaces, or courts. The chair shall be counted as a vote if necessary to complete the requirements for a quorum, but otherwise will vote only in the event of a tie vote.

573.169 Penalties related to board activities

No penalty shall be assessed for any violation of Chapter 573 in the performance of a board member's duties. All procedural violation charges shall be filed by an interested party with the chairperson of the Board of License Appeals who will hear such charges relating to the actions of one or more persons in their capacity as board members.

573.17 Suspension, revocation or permanent revocation of license

- (a) The department of health may suspend or revoke the health license of any mobile food vending unit and/or owner pursuant to local and state rules and regulations. "Suspend" and "revoke" shall have the same meaning as Ohio Revised Code Chapter 3717 for the purpose of this subsection.
- (b) The director of public safety may suspend, revoke, or permanently revoke the license of any mobile food vending unit and/or owner who engages in any of the following conduct:
 - (1) Obtaining a license by a false statement in his or her application;
 - (2) Failing to comply with the mobile food vending unit operation and vehicle standards established in this chapter;
 - (3) Misrepresenting or otherwise making false statements in his or her affidavit that he or she would conduct criminal background checks on all employees;
 - (4) Failing to post and maintain required decal(s) and information;
 - (5) Failing to offer receipts to customers or to supply receipts when the customer answers in the affirmative;
 - (6) Receiving citations for impeding the flow or operation of pedestrian and vehicle traffic, creating unsanitary conditions, becoming an attractive nuisance for children or any other infraction of the Columbus City Codes;
 - (7) Repeated violations of Titles 9 or 21 of the Columbus City Codes;
 - (8) Failing to pay parking meters or obtain reservations when applicable;
 - (9) Failing to comply with Section 573.14;
 - (10) Failing to appear before the director when properly notified to do so;
 - (11) Verbally threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of this chapter;
 - (12) Failing to maintain general liability insurance for each mobile food vending unit;
 - (13) Conviction for any crime committed in or from the mobile food vending unit;

- (14) Violation of the operational requirements of Section 573.136, including the requirement that such unit only vend when hailed by a customer or vend for no more than fifteen (15) minutes after being hailed; or
- (15) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of mobile food vending unit owners and employees, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own or work in a mobile food vending unit.

573.18 Appeals

- (a) Any individual or organization who has been refused a license or renewal of a license under this chapter or has had a license issued under this chapter suspended or revoked, may appeal such decision as provided by Chapter 505 of the Columbus City Codes.
- (b) Any individual or organization who has been refused a health license or renewal of a health license may appeal such decision as provided by local and state rules and regulations.

573.19 Severability clause

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to the particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

573.99 Penalties

A violation of any section of this chapter shall be deemed a criminal violation as follows:

- (a) Whoever violates Section 573.02 shall be guilty of misdemeanor of the first degree. Any such violation shall constitute a separate offense on each successive day continued. Strict liability is intended to be imposed for a violation of this section.
- (b) Whoever violates any of the following sections shall be guilty of a minor misdemeanor: 573.13(a)(1), (a)(2), (a)(3), (b)(1), (b)(2), (b)(3), or (b)(4). Strict liability is intended to be imposed for a violation of these sections.
- (c) A violation of any other section of Chapter 573 may be grounds for the suspension, revocation or permanent revocation of the MFV unit license or in the case of a new application may be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently, in addition to any other penalties established for such violation in applicable sections of the Columbus City Codes.