

ORDINANCE NO. 2024.008

**AN ORDINANCE REGULATING MOBILE FOOD TRUCK SERVICE OPERATION IN
THE VILLAGE OF BLANCHESTER, OH**

WHEREAS, this Council sees a need to adopt regulations to ensure that food trucks operating within the Village do so according to the most up-to-date standards of safety, sanitation, and liability while also balancing the interests of the community;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Blanchester, Clinton County, Ohio that:

Section 1: Definitions.

As used in this Ordinance:

- (a) "Food" shall mean a raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or part for human consumption.
- (b) "Mobile food license" means the official document issued by the Clinton County Health District or by another jurisdiction's health district with the authority to license food service operations.
- (c) "Mobile food service operation" means a food service operation required to be licensed under Ohio Revised Code that is operated from a single movable vehicle or portable structure that routinely changes location and remains at said location for more than fifteen (15) minutes.
- (d) "Mobile food service operation permit" shall mean the permit issued by the Village of Blanchester Administrative Office.
- (e) "Special event" shall mean all "party in the park" events hosted by the Village of Blanchester Parks Department, Fourth of July, Memorial Day, and during the Blanchester homecoming parade
- (f) "Village" shall mean the Village of Blanchester.

Section 2: Operation in the Right of Way; Public Property.

- (a) No person shall cause a mobile food service operator to operate on any public street or sidewalk within the Village while such public street or sidewalk is open to normal public use.
- (b) No person shall cause a mobile food service operator to operate on any public street or sidewalk within the Village unless the mobile food service operation has an existing agreement to participate in a permitted parade or special event pursuant.
- (c) No person shall cause a mobile food service operator to operate on public property, including public parks, unless the mobile food service operation has an existing agreement to participate in a permitted parade or special event or has otherwise received written permission from the Village.

Section 3: Mobile Food Service Operation Permit.

- (a) No person shall cause a mobile food service operator to operate in the Village unless the operator

has received a mobile food service operation permit from the Village.

(b) An application for a mobile food service permit shall be submitted to the Village of Blanchester Administrative Office at 318 E Main St, Blanchester, OH 45107 on a form provided on the Village website. Applicants must provide the following documentation upon submittal of the permit application:

(1) A copy of a current mobile food license;

(2) Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000.00 per occurrence, and naming the Village of as an additional insured, in a form that provides that the insurance coverage shall not be cancelled or reduced by the insurance carrier without 30 days' prior written notice to the Village; and

(c) The application fee for all mobile food service permits shall be a quarterly fee of \$100.

(d) Mobile food service operation permits are effective on a quarterly basis, shall expire after three months, and are not transferrable.

(e) No person shall cause a mobile food service operator to operate on private property unless the operator has complied with the private property requirements set forth on the Village website.

(f) No person shall cause a mobile food service operator to operate in the Village, and the Village may revoke the operator's mobile food service operation permit, if the operator's mobile food license has been suspended, canceled, or revoked, or if the operator fails to maintain compliance with all regulations imposed by the Ohio Department of Health, the Clinton County Health District, or any other local, state, or federal agencies.

Section 4. General Regulations.

(a) No person shall cause a mobile food service operator to:

(1) Sell food items, display food items, or conduct vending operations to the occupants of vehicles stopped in traffic;

(2) Display food items or place lines or other devices for the display of food items on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture;

(3) Place any food items in or upon any street or sidewalk;

(4) Leave a vending device unattended at any time during hours of operation;

(5) Utilize loud speakers or other noise-making devices in such a way to create a nuisance;

(6) Conduct business without making available a container suitable for the placement of litter; and

(7) Use or place on-site amenities for customer use, like tables and chairs, as part of the food service operation.

Mr. Gephart- Absent
Mr. Hill- Yea
Mr. Hopkins- Yea
Mrs. Lewis- Yea
Mr. Parks- Yea

Adopted this 13 day of June, 2024.

John M. Carman
Mayor John M. Carman

Attest: Regina Johnson, Fiscal Officer

I, Regina Johnson, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the law of the State of Ohio to be kept, do hereby certify that the foregoing Ordinance is taken and copied from the original Ordinance now on file with said Village, that the foregoing Ordinance has been compared by me with the said original and that the same is a true and correct copy therefor, and has been posted as required by law.

Witness my signature, this 13 day of June, 2024.

Regina Johnson

Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

First Reading – 5/09/2024

Second Reading – 5/23/2024

Third Reading – 6/13/2024



(b) All mobile food service operations must:

(1) Conspicuously display evidence of their mobile food service operation permit issued pursuant to this Ordinance;

(2) Be constructed to internally store and contain all waste water and grease for proper disposal, to prevent ground water contamination, and to prevent discharge of any waste water or grease onto the ground or into any storm water sewer within the Village;

(3) Obey any lawful order or a police officer to relocate to avoid congestion or obstruction during an emergency;

(4) Comply with all requirements of applicable state and local law, including, but not limited to, the State of Ohio fire code, the Ohio Uniform Food Safety Code, and the Village's traffic and zoning codes.

(5) Exercise reasonable care to ensure that operations do not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property; and

(6) Operate at all times in accordance with the Ohio Uniform Food Safety Code.

(c) Mobile food service operations which are parked and operating on private property for a duration lasting longer than ten (10) days require a temporary zoning permit. The applicant shall specify in their application the duration of the requested permit, not to exceed thirty (30) days. At the expiration of the temporary zoning permit, the mobile food service operation must vacate the property for no less than ten (10) days prior to applying for another temporary zoning permit or operating on the property.

Section 5. Hours of Operation.

No mobile food service shall be conducted before 8:00 a.m. or after 9:00 p.m. Monday through Thursday and Sunday, or before 8:00 a.m. or after 11:00 p.m. on Friday and Saturday.

Section 6. Penalty.

Whoever violates any provision of this Ordinance shall be fined for an amount up to \$250.00

Section 7

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Ms. Lewis moved the adoption and Mr. Hopkins seconded the motion and the roll being called upon its adoption the vote resulted as follows:

Mr. Garner- Absent



Permit Application for Food truck

Office of the Mayor

318 E. Main St • Blanchester, OH 45107 • 937-783-4702

Note: This application must be filled out completely. Application for a permit does not guarantee that a permit will be granted. Applications approved is based upon compliance with all food truck requirements of the state and local health departments and Village of Blanchester ordinance 2024.008 governing food truck operations.

Proof of general liability insurance coverage, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000.00 per occurrence, and naming the Village of Blanchester as an additional insured, in a form that provides that the insurance coverage shall not be cancelled or reduced by the insurance carrier without 30 days' prior written notice to the Village.

Fees for a Food Truck Permit are \$100.00 and must be renewed every 90 days from date issued. Not Transferrable (Cash or Check Only)

Business Name: _____

Food Truck Name (If different than Business Name): _____

Food Truck Owner _____ Owner Phone # _____

Owner Email: _____ Owner's Driver's License: _____

Owner Street Address: _____

City, State Zip: _____

Business License # _____

Food Truck Operator: _____ Operator Phone #: _____

Operator(s) Driver's License #: _____ *Please attach copy of the driver's licenses of all drivers of the food truck*

Type of Vehicle: Truck Trailer

Vehicle Make: _____ Model and Year: _____ *Attach a color photo of inside, front, both sides and back*

Vehicle License Plate # _____ *Please attach a copy of registration. List State if not OH*

Will the food truck use a deep fryer or flat top griddle for food preparations? Yes No

Will propane be used on the food truck? Yes No

Is the food truck equipped to use shore power or a generator? Shore Power Generator

If Renewal: Have any changes been made to the food truck since last inspection? Yes No if yes: Attach Description _____

Before setting up on private property provide the following.

1. Name of property owner: _____
2. Address: _____
3. Permission Granted By: _____
4. Start Date: _____ End Date: _____

- Mobile food service operations which are parked and operating on private property for a duration lasting longer than ten (10) days require a temporary zoning permit.
- The applicant shall specify in their application the duration of the requested permit, not to exceed thirty (30) days. At the expiration of the temporary zoning permit, the mobile food service operation must vacate the property for no less than ten (10) days prior to applying for another temporary zoning permit or operating on the property.
- No mobile food service shall be conducted before 8:00 a.m. or after 9:00 p.m. Monday through Thursday and Sunday, or before 8:00 a.m. or after 11:00 p.m. on Friday and Saturday.

A food truck CANNOT operate in the Village unless the food truck has a valid Food Truck Permit an or temporary zoning permit issued by the Village and complies with all applicable laws and regulations.

- **Penalty: Whoever violates any provision of Ordinance 2024.008 shall be fined up to \$ 250.00.**

I certify that all information in this application and the required documents are accurate to the best of my knowledge. I agree to comply with the Village of Blanchester regulations regarding food trucks. I understand that if any changes are made to the information included in this application, I will notify the Village Mayor's Office.

Signature of Applicant

Printed Name of Applicant

Date

Approved By

Date Approved