

ORDINANCE NO. 16-14

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Grusham ON THE 18<sup>th</sup> DAY  
OF August, 2014.

**AN ORDINANCE TO AMEND CHAPTER 844,  
MOBILE FOOD VEHICLE VENDORS, OF  
THE CENTERVILLE MUNICIPAL CODE TO  
REMOVE BACKGROUND CHECKS AND TO  
PROVIDE FOR AN EXEMPTION FROM THE  
LICENSURE REQUIREMENTS OF THE  
MOBILE FOOD VEHICLE REGULATIONS.**

WHEREAS, the City had enacted regulations in the Centerville Municipal Code for food vending vehicles in the public right-of-way, private and/or public property; and

WHEREAS, the City finds it necessary to revise the requirements for licensure by removing background checks found to be an unnecessary burden on the vendors; and

WHEREAS, the City has determined that it be in the best interests of the City to provide some exemptions from the regulations in certain circumstances.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY ORDAINS:

Section 1. That the following amendment to Section 844.03 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

**844.03 LICENSE REQUIRED**

Any person desiring to operate a Mobile Food Vehicle shall make a written application for such License to the City Manager's Office. The application for

such license shall be on forms provided by the City Manager and shall include the following:

- (a) Name, signature and address of each applicant and each corporate officer of the Mobile Food Vehicle vending corporation.
- (b) A valid copy of all necessary licenses, permits or certificates required by the County of Montgomery, the State of Ohio or any subsidiary enforcement agencies or departments thereof, including, but not limited to: a valid Ohio Department of Motor Vehicle Registration and Certificate of Inspection and valid Driver's Licenses of all vehicle operators.
- (c) A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify and hold harmless the City and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under terms of the license. Vendor shall furnish and maintain such public liability, food products liability, and property insurance, as will protect vendor and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the City Manager. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with City Manager.
- ~~(d) All license applicants shall submit to a Centerville Police Department background check for convictions that would indicate that he or she is not a suitable licensee. A license application may be refused by the City Manager if a license applicant has a previous offense against a child or a sex offense or a drug conviction within the past seven years or an assault conviction within the past seven years or a weapons conviction within the past five years or a homicide offense.~~

Section 2. That the following amendment to Section 844.07 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

## ~~844.07 BACKGROUND CHECK~~

~~All assistants or employees of an owner/operator of any Mobile Food Vehicle are required to submit to a Centerville Police Department background check for convictions that would indicate that he or she is not suitable to participate in the operation of a Mobile Food Vehicle. This background check must be completed prior to an assistant or employee participating in the operation of a Mobile Food Vehicle. The City Manager may declare an individual not suitable to participate in the operation of a Mobile Food Vehicle if that individual has a previous offense against a child or a sex offense or a drug conviction within the past seven years or an assault conviction within the past seven years or a weapons conviction within the past five years or a homicide offense.~~

Section 3. That the following amendment to Section 844.07 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

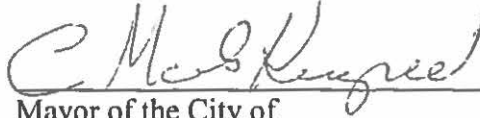
### **844.07 EXEMPTIONS.**

*The restrictions set forth in Section 844.02 and the license obligations set forth in Section 844.03 of this Chapter for a mobile food vehicle shall not be required if the operation of the mobile food vehicle meets all of the following:*

- (a) The mobile food vehicle's operations are located solely on city-owned property in connection with a private event for which a rental contract has been granted by the City;*
- (b) Food provided by the mobile food vehicle is solely distributed to event patrons and guests in connection to the private event referenced under subsection (a) of this section;*
- (c) Charges for food provided to patrons and guests is covered by the event sponsor and not directly paid by patrons and guests to the operator of the mobile food vehicle; and*
- (d) All required licenses issued by other governmental agencies to legally serve food to guest and patrons are obtained by the mobile food vehicle. Proof of such licenses shall be provided by the mobile food vehicle operator upon the request by the City.*

Section 4. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 18<sup>th</sup> day of August, 2014.



Mayor of the City of  
Centerville, Ohio

ATTEST:

Debra A. James  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 16-14, passed by the Council of the City of Centerville, Ohio on the 18<sup>th</sup> day of August, 2014.

Debra A. James  
Clerk of the Council

Approved as to form, consistency with the  
Charter and Constitutional Provisions.  
Department of Law  
Scott A. Liberman  
Municipal Attorney