

ORDINANCE NO. 13-13  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Doug Cline ON THE 21st DAY OF October, 2013.

AN ORDINANCE AMENDING ORDINANCE 14-08, CHAPTER 1216 OF THE CENTERVILLE MUNICIPAL CODE, THE UNIFIED DEVELOPMENT ORDINANCE FOR THE CITY OF CENTERVILLE, OHIO, TO AMEND THE STANDARDS FOR MOBILE FOOD VEHICLE VENDORS.

**PREAMBLE**

WHEREAS, on the 20th day of May, 2013, the City of Centerville passed Ordinance 4-13, amending the Unified Development Ordinance (UDO) by establishing licensing and regulations governing the operation of a Mobile Food Vehicle on private property and referencing Chapter 836 of the Codified Ordinances of the City of Centerville; and

WHEREAS, on the 15<sup>th</sup> day of July, 2013 the City of Centerville passed Ordinance 8-13, repealing the referenced portions of Chapter 836, Peddlers and Solicitors, of the Codified Ordinances of the City of Centerville and established a new chapter, Chapter 844, Food Vending Vehicles, to regulate and establish licensing requirements for Mobile Food Vehicle Vendors; and

WHEREAS, an amendment to the UDO is now necessary to correct its references to Chapter 844; and

WHEREAS, all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the UDO and/or amendments thereto by the Planning Commission and subsequent action of the City Council have been met.

NOW, THEREFORE, the Municipality of Centerville hereby ordains:

**Section 1.** Ordinance Number 14-08, Chapter 1216 of the Centerville Municipal Code, passed on the 15<sup>th</sup> day of December, 2008 and as subsequently amended, be, and the same hereby is revised 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:

By amending Article 9, Development Standards as follows:

**9.05 Base Zoning Districts**

A. Dimensional and Density Regulations

10. Mobile Food Vehicle Vendors

- a. A Mobile Food Vehicle may operate as a temporary use in accordance with all requirements, contained in Chapter ~~836~~ *844* of the Centerville Municipal Code.

- b. 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 in accordance with the licensing requirements contained in Chapter ~~836~~ 844 of the Centerville Municipal Code.
- c. License Fee. All vendors licensed under this Chapter shall pay an annual license fee. The amount shall be in accordance with Chapter 1214.02 Unified Development Ordinance Schedule of Fees of the Municipal Code.
- d. A Mobile Food Vehicle may operate on private property provided:
  - 1) Temporary Use: A Mobile Food Vehicle is a temporary use to the premises as Defined by the UDO. A Mobile Food Vehicle shall not be permitted as a principal use on a premises.
  - 2) Industrial Uses: A Mobile Food Vehicle may be temporarily parked on the premises of an industrial use or a premises zoned I-1 or I-PD to serve the employees of said premises and limited to a maximum of 1 hour per day during normal business hours of the industrial use.
  - 3) Sidewalk Sale: A Mobile Food Vehicle may be placed on the premises in conjunction with a sidewalk sale in accordance with the provisions contained in Article 9.05 of the UDO and the following:
    - i. A Mobile Food Vehicle shall operate only during the dates and times when the Sidewalk Sale occurs.
    - ii. A Mobile Food Vehicle shall not be located on or within 100 feet of a business premises that dispenses gasoline or other fuel, or a restaurant.
    - iii. A Mobile Food Vehicle shall not be located on or within 100 feet of a residential premises.
    - iv. A Mobile Food Vehicle shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
    - v. A License shall be required in accordance with part c. License Required, of this section.
    - vi. The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.
    - vii. An affidavit from the property owner and business owner of the premises where the owner/operator of the Mobile Food Vehicle intends to conduct business stating that the owner/operator has permission to conduct business there.
  - 4) Public Parks: A Mobile Food Vehicle may operate in a public park in accordance with this ordinance, the Centerville Municipal Code and with the permission or license of the owner of the public park.
  - 5) Community Event: A Mobile Food Vehicle may be parked on a premises in conjunction with a sidewalk sale per Article 9.03 A 9 of the Centerville Unified Development Ordinance (UDO) or as part of a community event may be placed on the premises of such sidewalk sale or community event.


- i. Shall operate only during the dates and times when the event occurs.
  - ii. Shall not be located within 100 feet of a business that dispenses gasoline or other fuel.
  - iii. Shall not be located within 100 feet of a residential premises.
  - iv. Shall be legally parked within a parking lot having the capacity of at least 30 parking spaces.
  - v. The licensee shall make application with the City and submit all necessary documentation, including a site plan, to demonstrate all requirements will be met.
- 6) Sound emanating from a Mobile Food Vehicle shall be in accordance with the Sound requirements contained in UDO Article 9.53.
- e. Suspension and Revocation. See Chapter ~~836~~ 844 of the Centerville Municipal Code.
  - f. Closure for Operation without a License. See Chapter ~~836~~ 844 of the Centerville Municipal Code.

**Section 2:** This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 21st DAY OF October, 2013.

  
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Mayor of the City of Centerville, Ohio

ATTEST:

  
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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. \_\_\_\_\_, passed by the Council of the City of Centerville, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2013.

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Clerk of Council

Approved as to form and consistency with existing ordinances, the charter and constitutional provisions.

Department of Law  
Scott Liberman  
Municipal Attorney