

NOTICE OF ADOPTION

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;
and
2. That on the 16th day of March, 2020,
Ordinance No. 08-20 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 08-20 was published in the
posting locations prescribed by City of Centerville Council Rules.



Clerk of Council

ORDINANCE NO. 08-20

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE 16th DAY OF March, 2020.

AN ORDINANCE AMENDING THE CENTERVILLE MUNICIPAL CODE SECTIONS 844.01 and 844.03 OF THE MOBILE FOOD LICENSING REQUIREMENTS TO UPDATE DEFINITIONS TO INCLUDE VEHICLE-TOWED TRAILERS AND TO UPDATE INSURANCE REQUIREMENTS.

WHEREAS, Chapter 844 of the City's Municipal Code regulates Mobile Food Vehicle Vendors within the City of Centerville; and

WHEREAS, Section 844.01 provides the definitions for a mobile food vehicles; and

WHEREAS, it is necessary to update the definitions to include vehicle-towed trailers; and

WHEREAS, Section 844.03 requires all persons desiring to operate a mobile food vehicle in the City to obtain a license; and

WHEREAS, the City desires to update insurance requirements for those persons seeking to operate a mobile food vehicle within the City; and

WHEREAS, it is in the best interest of the City to regulate license mobile food vehicles.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendments to Section 844.01 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:

844.01 DEFINITIONS.

As used in this chapter:

(a) "City Manager" means the City Manager or his/her designee.

(b) "Mobile food vehicle" means a commercially manufactured, self-contained, motorized, vehicle, *including vehicle-towed trailers and food carts, which vehicles are* currently licensed by the Ohio Department of

Motor Vehicles in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

(c) "Temporary use" means a short term or seasonal use intended to promote or sell specific merchandise or products and shall include, but not limited to special events, sidewalk sales, and outdoor seasonal sales.

Section 2. That the following amendments to Section 844.01 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.

~~(d) 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.~~ *maintain the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of its activities pursuant to the license granted herein.*

(1) Commercial general liability insurance, including products-completed operations, bodily injury, property damage, and personal & advertising injury with limits not less than one million dollars (\$1,000,000) per occurrence. The policy shall cover the City of Centerville, its officials, employees and volunteers as additional insureds. Such coverage shall be primary and noncontributing as respects the City of Centerville, its officials, employees and volunteers.


(2) *Automobile liability insurance with limits not less than one million dollars (\$1,000,000) per accident for bodily injury and property damage.*

The ~~policy~~ *policies* shall further provide that ~~it~~ *they* may not be cancelled except upon thirty 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.

The City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 16th day of March, 2020.



Mayor of the City of
Centerville, Ohio

ATTEST:



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. 08-20, passed by the Council of the City of Centerville, Ohio on the 16th day of March, 2020.



Clerk of the Council

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