

ORDINANCE NO. 19-20

AN ORDINANCE TO AMEND THE CARLISLE ZONING CODE TO ADD SECTION 1274.08 - MOBILE FOOD VENDING

WHEREAS, the Carlisle Village Council previously adopted ORD 9-20 to temporarily permit mobile food vehicles to operate within designated areas within the Village limits due to COVID-19 dining restrictions; and

WHEREAS, the Carlisle Village Council passed RES 10-20 in May 2020 to initiate the process to amend the Carlisle Zoning Code to add regulations permitted mobile food vehicles; and

WHEREAS, the Carlisle Planning Commission held a public hearing on July 2, 2020 and recommended that the Carlisle Village Council amend Section 1274 of the Carlisle Zoning Code with the proposed language as shown in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF CARLISLE, OHIO, THAT:

SECTION 1: The Carlisle Council amends Section 1274 of the Carlisle Zoning Code to add Section 1274.08 Mobile Food Vending which will permit Mobile Food Trucks to operate with the Village of Carlisle per the rules and regulations established in the attached "Exhibit A".

SECTION 2: This Ordinance shall take effect and be in full force and effect from and after the earliest date allowed by law upon adoption in accordance with Sections 5.03 and 5.04 of the Carlisle Charter.

Adopted: 9-8-20

Mayor: Randy Winkler

Attest: [Signature]
Clerk of Council

Introduced by Mayor Randy Winkler

EXHIBIT A

SECTION 1274.08 - MOBILE FOOD VENDING

(a) DEFINITIONS:

- (1) "Zoning Administrator" means the Planning and Zoning Administrator or his/her designee.
- (2) "Mobile food vendor" means any person who sells or offers for sale food or beverages from a mobile food vehicle in any public, private or restricted space.
- (3) "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.
- (4) "Mobile food cart" means a vehicle propelled by human power which has been specifically designed or used for mobile food vending.
- (5) "Local mobile food vending permit (LMFVP)" means a revocable license issued by the Municipality to permit the sale of food and beverages from a mobile food vehicle within the Municipality as prescribed in this section.

(b) PERMIT REQUIRED:

- (1) It shall be unlawful for any person to operate a mobile food vehicle within the Municipality without first having obtained a valid Local Mobile Food Vending Permit (LMFVP) as prescribed in this section.
- (2) LMFVP shall be valid from the date of issuance until December 31st of each year.
- (3) LMFVP for mobile food vendors are non-transferrable and are revocable as provided in this section. LMFVP shall be valid for one vehicle only.
- (4) Issuance of a LMFVP for a mobile food vendor pursuant to this section does not create or confer a property interest of any kind.
- (5) All mobile food vehicles shall have a valid food service license issued by the appropriate County Board of Health.
- (6) LMFVP and food service licenses must be kept on the mobile food vehicle at all time and must be available for immediate inspection upon request by an authorized agent of the Municipality or public health and safety agency.
- (7) No LMFVP shall be required for any mobile food vehicle that operates exclusively within special events (i.e. within a park or community festival) as determined by the Zoning Administrator.

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(c) LOCATION:

- (1) Mobile food vehicles shall be permitted only in the following locations:
 - A. All commercial and manufacturing zoning districts with lot frontage abutting SR123 and direct drive access to SR123. No mobile food vehicles shall be permitted on any commercially zoned property containing a residential use structure as defined in Section 1268.03.
 - B. All Municipal-owned parks or property
 - C. Carlisle Local School campus
- (2) The operator of a mobile food vehicle shall obtain, in writing, the permission of the property owner to operate on the property and shall submit a copy to the Zoning Administrator no less than 48 hours prior to placement of mobile food vehicle on said property. Permission may be provided for an extended period of time provided that such period is indicated on said documentation and mobile food vendor is otherwise compliant with the regulations set forth in this section.
- (3) The mobile food vehicle must be located entirely on private property and shall not be located in any required setback, sight distance triangle, buffer, or public right-of-way.
- (4) No mobile food vehicle shall impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk.
- (5) Mobile food vehicles shall be placed on bituminous, concrete or similar surface. No mobile food vehicle shall be placed upon a lot without parking and access drives. Parking areas shall have a bituminous, concrete or similar surface. Exception may be permitted for placement of mobile food vehicle and parking facilities upon a gravel surface if such surface is deemed by the Zoning Administrator to be in lawful nonconformance and otherwise in compliance with the regulations set forth in this section. No parking shall be permitted on grass or unimproved surface.
- (6) The mobile food vehicle shall be located at least one hundred fifty feet (150') from any existing restaurant unless documentation stating approved consent from all restaurant owners within 150-feet is provided.
- (7) The mobile food vehicle has be one hundred feet (100') from any residential zone districts except as approved on municipal owned land or parks.
- (8) Mobile food vehicles that operate exclusively within special events may be exempted from these restrictions as determined by the Zoning Administrator if said vehicles are completely located within the approved area of event and are not

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located in a manner that would create a health or safety issue or impede vehicular or pedestrian traffic.

(d) GENERAL REQUIREMENTS:

- (1) Mobile food vehicle shall comply with all local and State Fire Regulations as defined in the Ohio Fire Code. No vehicle shall be placed to block access to fire lanes, fire hydrants, or other fire protection equipment.
- (2) More than one mobile food vehicle may be located on the same parcel of land provided that the units are placed no closer than twenty-five feet (25') and each vehicle independently complies with all regulations in this section.
- (3) Anything other than food or non-alcoholic beverages shall not be sold from the mobile food vehicle, unless a special events liquor license is approved by the appropriate licensing authority. No merchandise or retail items for sale shall be permitted from such vehicle.
- (4) Trash receptacle must be provided for shall be provided for customers use and shall be located not more than 10 feet from the mobile food vehicle. Mobile food vendors are responsible for collecting and removing all waste generated by the internal operations of their unit. Liquid wastes such as grease or oil used in the operation shall not be discharged from the mobile food vehicle.
- (5) Sound emanating from a mobile food vehicle shall not be permitted if the noise from such vehicle is of such a volume so as to cause a disturbance to abutting property owners.
- (6) A portable sign may be placed outside of the mobile food vehicle provided that:
 - A. Such signage displays advertising consisting only of the mobile food vendor name and logo and any items sold or available from the mobile food vendor. All other advertising is prohibited.
 - B. The sign shall be limited to one per vehicle and no larger than three (3) feet in size.
 - C. Sign shall be no closer than ten feet (10') from the right of way and shall not impede visibility for vehicular or pedestrian traffic.
 - D. Sign may only be displayed during the hours of operation and shall be removed when the mobile food truck is not operation.
- (7) The vehicle must be attended at all time. Vehicle shall be removed when the mobile food vehicle is not operating. An exemption shall be made for vehicles solely operating exclusively within special events (i.e. within a park or community festival)

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and solely located upon such event property as determined by the Zoning Administrator.

- (8) A mobile food vehicle may be operated for sales purposes between the hours of 8:00 a.m. and 8:00 p.m. Vehicles operating within special events may operate within the established hours for said event.

(e) ENFORCEMENT:

- (1) Unless other specified in this section, the Zoning Administrator is hereby authorized to grant, issue and revoke a license to any person who desires to operate a mobile food vehicle and is authorized to interpret, enforce, and regulate the regulations in this section.

(f) PENALTIES:

- (1) Whoever violates any of the provisions of this section shall constitute a misdemeanor under the provisions of Section 1254.19.