

ORDINANCE NO. OR27-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL AMENDING CHAPTER 1189 “SUPPLEMENTAL REGULATIONS” OF THE TROTWOOD CODES OF ORDINANCES BY ENACTING NEW SECTION 1189.21 “FOOD TRUCK AND MOBILE VENDORS” TO ADD REGULATIONS FOR FOOD TRUCK AND MOBILE VENDORS OPERATING WITHIN THE CITY OF TROTWOOD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Trotwood Planning and Development Department Director recommends City Council adopt a new Section 1189.21 “Food Truck and Mobile Vendors” of the Trotwood Codes of Ordinances to facilitate the ability of Food Truck and Mobile Vendors to operate their business within the City of Trotwood; and

WHEREAS, City Council accepts the recommendation of the Planning and Development Director and, therefore, will amend Chapter 1189 “Supplemental Regulations” of the Trotwood Codes of Ordinances as set forth herein.

WHEREAS, City Council has determined that for the preservation of the peace, health, safety, and welfare of the residents of the City of Trotwood, and to clarify potentially conflicting provisions set forth in the Trotwood Codes of Ordinances, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: Chapter 1189 “Supplemental Regulations” of the Trotwood Codes of Ordinances is hereby amended as set forth herein.

SECTION II: A new Section 1189.21 “Food Truck and Mobile Vendors” shall be enacted as set forth in Exhibit “A”, which is attached hereto and incorporated herein by reference, with additions in **bold** and underscoring and deletions in ~~strikethrough~~.

SECTION III: It is hereby 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 this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV:

In order to protect and promote the public peace, health, safety, and welfare of the citizens of Trotwood and to clarify potentially conflicting provisions of the Trotwood Codes of Ordinances, Council hereby declares that an emergency exists which requires the expedited implementation of this Ordinance.

SECTION V:

In accordance with Section 4-6 of the Charter of the City of Trotwood, Ohio, this Ordinance shall take effect immediately upon its adoption by Council.


Passed this **5th** day of **September, 2023**.

ATTEST:


KARA B. LANDIS
CLERK OF COUNCIL

APPROVED:


MARY A. MCDONALD
MAYOR


YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR27-23** adopted by the Trotwood City Council at a regular scheduled meeting held on the **5th** day of **September, 2023**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

1189.21 FOOD TRUCK AND MOBILE VENDORS.

- (a) The purpose of this section is to facilitate the ability of Food Truck and Mobile Vendors to operate within the City, in a permitted zoning district, while ensuring the vendor's Use is compatible with surrounding properties; that the vendor's properly licensed motor vehicle fosters an aesthetically appealing streetscape; and that the vendor's enterprise does not create a dangerous traffic condition or pose any threat to the public health, safety, and welfare.
- (b) Food Truck and Mobile Vendors shall be required to obtain a Business Registration Certificate issued by the Planning and Development Department prior to operation within the City of Trotwood. The fee for the Business Registration Certificate shall be as stated in the City of Trotwood Table of Fees established by Resolution of Council.
- (c) When determining whether Food Truck and Mobile Vendor applications for a Business Registration Certificate shall be granted, the Director of the Planning and Development Department shall consider the applicant's compliance, and willingness to comply, with the following standards and criteria:
- (1) Food Truck and Mobile Vendor businesses shall not match or duplicate the primary food or retail offerings sold by a permanent business located on the property.
 - (2) Food Truck and Mobile Vendors are required to obtain and maintain all applicable federal, state, county, and local licenses and permits and to comply with all federal, state, county, and local laws and regulations. Proof of approved status from the Department of Public Health for Dayton & Montgomery County, or another appropriate Department of Public Health, is required to be included with the application prior to Planning and Development Department application review and the issuance of the Business Regulation Certificate. These requirements are subject to annual review by the City of Trotwood.
 - (3) Food Truck and Mobile Vendors shall provide proof of permission to operate on the intended site (Agent Form) from the property owner. Food Truck and Mobile Vendors shall operate only at the approved location.
 - (4) Food Truck and Mobile Vendors shall include in the applications for a Business Regulation Certificate any temporary shelters, such as tents and canopies, which may be utilized by the vendor. Review and approval by Trotwood Fire Department and Montgomery County Building Regulations may be required as a condition of application approval.
 - (5) Food Truck and Mobile Vendors shall only park on improved surfaces and shall not obstruct traffic movement, impair visibility or safety on the site. Food Truck and Mobile Vendors shall observe all setback requirements and restrictions.
 - (6) Food Truck and Mobile Vendors shall not occupy more than 10 percent of the required parking for the permitted use of the property upon which the vendor's vehicle is situated.

- (7) Food Truck and Mobile Vendors are responsible for the disposal of all waste in accordance with all applicable laws and are not permitted to dispose of trash or waste in public trash receptacles.
 - (8) Food Truck and Mobile Vendors shall not connect to any source of electricity, water, or sewer. Such connections are prohibited. Food Truck and Mobile Vendors must supply their own self-sufficient source of power, water, and waste disposal.
 - (9) Food Truck and Mobile Vendors may only operate between the hours of 8:00 a.m. and 10:00 p.m.
 - (10) Food Truck and Mobile Vendors are not permitted to operate within 50 feet of a residential lot structure.
 - (11) (12) Business Registration Certificate shall be conspicuously displayed at all times during operation within the City.
 - (12) (13) Food Truck and Mobile Vendors shall not make use of any sound systems or amplified speaker systems for any reason.
- (d) All provisions of Chapter 705 "General License Provisions" not in conflict with the provisions of this section shall apply.