

ORDINANCE NO. _____
AN ORDINANCE REPEALING ORDINANCE NO. 82-14
CHAPTER 775 OF THE LORAIN CODIFIED ORDINANCES
AND ADOPTING NEW CHAPTER 776 OF THE LORAIN
CODIFIED ORDINANCES

WHEREAS, the City of Lorain has determined that the identification and regulation of mobile food vending operators in a uniform manner necessary to protect the public health, safety and welfare; and,

WHEREAS, the City of Lorain has determined that the current ordinance regulating mobile food vending which was passed in 2014 does not adequately address the evolution of the mobile food vending industry over the subsequent twelve (12) years; and,

WHEREAS, the City of Lorain has determined that Ordinance No. 82-14 cannot be adequately revised to address the need to regulate the changes in the mobile food vending industry that have occurred since 2014 and therefore the creation and adoption of a new regulatory policy for mobile food vending business is necessary to protect the health, safety and welfare of the citizens of the City of Lorain.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LORAIN, STATE OF OHIO.

SECTION I. That Ordinance No. **82-14**, Lorain Codified Ordinance Chapter **775 – MOBILE FOOD VENDING** is hereby repealed:

SECTION II. That new Section **776 – MOBILE FOOD VENDING** of Lorain Codified Ordinances is hereby created, and which reads as follows:

CHAPTER 776 – MOBILE FOOD VENDING

Chapter 776 - MOBILE FOOD VENDING

776.01 - Definitions.

Unless a different meaning is clearly indicated by the context in which the word is used, when used in this chapter:

- (a) “Application Packet” shall mean the forms provided by the City for a Mobile Food Vending permit.
- (b) “Board” shall mean the Mobile Food Vending Advisory Board.
- (c) “Director” shall mean the Safety/Service Director or designee.

(d) “Department of Health” shall have the same meaning as “licensor” for a mobile food vending retail license in Ohio Revised Code 3717.01(O).

(e) “Lorain Fire Department” shall mean the Lorain Fire Department as is further defined in Chapter 133 of the Lorain Codified Ordinances.

(f) “Food” shall mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

(g) “Food service operation” shall mean, for the purposes of a mobile food vending permit, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, “served” means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and “prepared” means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

(h) “Food trailer” shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.

(i) “Food truck” shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending.

(j) “Food truck industry” shall mean food trucks, push carts, pedi-food carts, and food trailers.

(k) “Food vending operation” shall mean a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, “served” means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and “prepared” means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

(l) “Mobile Food Vending Retail License” shall mean a permit issued by a department of health pursuant to Section 3717 of the Ohio Revised Code. Such health license shall be separate from any other license or permit required under this chapter.

(m) “Licensing period” shall mean the first (1st) day of April to the thirty-first (31st) day of March of the next succeeding year.

(n) “Mobile food vending court” shall mean a location where the public right of way is closed for vehicular traffic on a temporary or permanent basis to allow two or more mobile food vending units to operate from such location.

(o) “Mobile food vending permit” shall mean an official document issued by the Department of Building, Housing, and Planning authorizing operation of a mobile food vending unit within the corporate limits of the city of Lorain. Mobile food vending permit does not include a health

license required by Section 3717 of the Ohio Revised Code. Unless otherwise stated, “permit” shall have the same meaning as “mobile food vending permit.”

(p) “Mobile Food Vending Unit” shall mean a food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location.

(q) “Mobile food vendor” shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any mobile food vending unit.

(r) “Operator” shall mean the individual who manages one (1) or more mobile food vending units whether as the owner, an employee of the owner or as an independent contractor.

(s) “Permanently revoke” shall, for the purposes of a mobile food vending permit, mean to terminate all rights and privileges under a permit for a period of ninety (90) days or greater and to render the holder of a permit ineligible to reapply for said permit.

(t) “Pedi-food cart” shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending and is or may be operated on a road, street or alley.

(u) “Public right of way” shall mean any property owned by the city of Lorain, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.

(v) “Pushcart” shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending. Vehicles not specifically designed for mobile food vending including, by way of example and not by way of limitation, racks, wheelbarrows, dollies, grocery carts, baby carriages, tables, chairs, benches, cabinets, or other furniture and boxes, buckets, tubs, or other containers or devices which normally rest on the ground whether or not wheels have been attached shall not be permitted as pushcarts.

(w) “Revoke” shall, for the purposes of a mobile food vending permit, mean to terminate all rights or privileges under a permit for a period not to exceed ninety (90) days after which the individual must reapply for a permit.

(x) “Retail food establishment” shall, for the purposes of a mobile food vending permit, mean a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for sale of food to a person who is the ultimate consumer.

(y) “Rule” or “rules” shall, unless otherwise stated in this chapter, mean rules promulgated as provided for in this chapter. Such rules shall not be temporary rules and shall be submitted to the Mobile Food Vending Advisory Board at least thirty (30) days prior to promulgation.

(z) "Suspend" shall, for the purposes of a mobile food vending permit, mean to temporarily deprive a permit holder of rights or privileges under a permit for a period not to exceed ninety (90) days.

(aa) "Vending" shall mean the sale of food to a person who is the ultimate consumer. Such sales do not include those from a vending machine, as defined in Ohio Revised Code 3717.01(L).

776.02 - Permit required for operation.

(a) No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Lorain without a current and valid mobile food vending permit issued by the Building, Housing, and Planning Department in accordance with the provisions of this chapter and applicable general licensing requirements.

(b) No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the City of Lorain without a current and valid health license issued in accordance with laws, rules and regulations established in the Ohio Revised Code, the Ohio Administrative Code, or the Lorain City Codes, whichever is applicable.

(c) No commercial sales, commercial sales promoter, or itinerant vendor permit shall be required for the operation of a mobile food vending unit.

(d) Nothing in this chapter shall be construed as superseding, supplanting, or otherwise replacing any duty imposed by Ohio Revised Code Chapter 3701 or 3717, or rules or regulations promulgated thereunder, upon an applicant for a health permit or upon a department of health in the conduct of its responsibilities relative to mobile food vending units.

(e) A permitted mobile food vendor shall comply with all local and state fire codes.

776.03 - Application for permit.

(a) An Application Packet for a mobile food vending permit must be submitted by the owner of the mobile food vending unit to the Building Department. A separate application packet must be submitted for each mobile food vending unit. Application for a mobile food vending permit shall be on a form prescribed by the Building Department which shall be in writing and substantially compliant with the requirements of subsection (b).

(b) Application for a mobile food vending permit shall be made under oath and shall contain the following information and/or material if applicable:

(1) Name, permanent address, telephone number, electronic mail address, date of birth, and driver's license number or State Identification number of the mobile food vending unit owner;

(2) Business name or DBA, permanent address, and telephone number, if different from the owner information;

(3) Proof of Ohio Department of Taxation Transient Vendors License, if required;

- (4) Proof of insurance, as required by this chapter, or by any city, state, or federal law, rule, or policy;
 - (5) A physical description of the unit proposed to be permitted for mobile food vending;
 - (6) Current and valid state vehicle registration information for the unit proposed to be permitted for mobile food vending, if applicable;
 - (7) Proof of a city income tax filing number or exemption from the City of Lorain Treasurer's Office;
 - (8) If applicable, proof that the applicant is current and compliant in the payment of any City of Lorain taxes on payroll and net profits at the time such proof is submitted; or if the applicant is not current and compliant in the payment of any city of Lorain taxes on payroll and net profits, that applicant has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement at the time such proof is submitted;
 - (9) Proof of a filing number or exemption from the Ohio Department of Taxation;
 - (10) Affirmation that, upon issuance of a permit, the applicant will provide to the Safety/Service Director written documentation of any change in the information required by this chapter, as well as written documentation of any modification, damage, destruction, or decommissioning of the unit, within ten (10) calendar days of any such change; and
- (c) The Safety/Service Director or designee shall examine all applications for a mobile food vending permit filed under this chapter and make, or cause to be made, any further investigation into the application as is deemed necessary in order to make a timely determination regarding the application.
- (d) The Safety/Service Director or designee shall provide a written determination to each applicant. If a complete application for a mobile food vending permit is not approved, any reason(s) for that determination must be provided to each applicant in writing.
- (e) Each unit proposed to be permitted for mobile food vending shall be inspected as provided for herein prior to the issuance of any mobile food vending permit.

776.04 - Inspection for permit, generally.

- (a) Prior to the issuance of a mobile food vending permit, every unit must be inspected as provided for herein.
- (b) If a mobile food vending unit fails any inspection required by this chapter, the owner of such unit may request a re-inspection after responding to and/or correcting any findings, notices, or corrective actions resulting from the inspection. Only the inspection(s) failed must be repeated at a subsequent re-inspection.

(c) The Director may require the re-inspection of a permitted mobile food vending unit based on information required to be provided under Section 776.03(b)(10). The reason(s) for the re-inspection shall be stated in writing and provided to the owner.

(d) Nothing in this section shall limit periodic inspections by the City of Lorain at the discretion of the inspecting authority.

776.05 - Inspection process.

(a) Every mobile food vending unit shall be inspected by a municipal or county health department located in Ohio at least once per licensing period. The Lorain Building, Housing, and Planning Department, and the Lorain Fire Department shall post on their websites, and make available in print upon request, a full and complete overview of the items to be inspected by the Lorain Fire Department, as well as copies of any inspection forms to be utilized in such inspection. Nothing in this provision shall limit the ability of a City department, division, or section to place all such information on a single city website.

(b) During each inspection or re-inspection conducted under this chapter, the City department conducting the inspection or re-inspection shall do all of the following:

(1) Fully and completely inspect each mobile food vending unit; and

(2) Document, in writing, any findings, notices, or corrective actions resulting from the inspection or re-inspection, providing such documentation to the affected owner within a reasonable time.

776.06 - Inspection and permit fees.

(a) For each mobile food vending unit, the owner shall pay to the City of Lorain a non-refundable inspection and permit fee of one hundred dollars for each licensing period.

(b) There shall be no proration, reduction, or refund of such fees.

776.07 - Requirements for issuing a permit.

(a) The Safety/Service Director shall issue a mobile food vending permit and corresponding decal(s) required by this chapter to an applicant who meets all of the following requirements: (1) Who has received approval of an application as provided for in Section 776.03; (2) Whose mobile food vending unit has passed the inspections required under this chapter; (3) Whose mobile food vending unit is in compliance with all applicable requirements of this chapter and has obtained any permits, licenses or prior approval required by any city, state or federal agency; (4) Who has not been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Safety/Service Director that the reasons for such earlier denial no longer exist; (5) Who has paid all applicable application and permit fees; and (6) Who is not otherwise refused a permit under the requirements of this chapter.

(b) The Safety/Service Director may refuse to issue permits for operation in the public right of way as required by this chapter to any person: (1) Who has been convicted of a felony, misdemeanor or code violation involving a sex offense, traffic in controlled substances, or any offense of violence as defined in Section 2301.01, or applicable Lorain Codified Ordinance such conviction being entered within the seven (7) years preceding the date of application; or (2) Who has been convicted of fraud, deceit, or misrepresentation, or of a theft offense as defined in Section 2313.01, or applicable Lorain Codified Ordinance within seven (7) years preceding the date of application.

(c) Decals provided in Section 776.07(a) of this chapter shall reflect the corresponding permit number and shall be affixed to the mobile food vending unit in a conspicuous place, as provided for by rules under this chapter.

(d) The Director shall keep a record of the identification number of every unit and the date of inspection in its office.

776.08 - Expiration and renewal of permit.

(a) Each permit issued under this chapter shall expire on the thirty-first (31st) day of March following the date of issue.

(b) Each permit holder must comply with the application and inspection requirements of this chapter to receive a new permit for the succeeding licensing period.

(c) Upon issuance of a permit under this chapter, a decal to be required to be affixed to the mobile food vending unit shall be issued.

776.09 - Transfer of permit prohibited.

No mobile food vending permit or decal issued under this chapter shall be transferred or assigned by the named permit holder to any other individual or organization, or to any other mobile food vending unit. Should a change in ownership of a mobile food vending unit occur at any time, the succeeding owner must comply with the application, inspection and fee requirements of this chapter.

776.10 - Insurance required for operation.

No individual or organization shall operate, or cause to be operated, any mobile food vending unit within the corporate limits of the city of Lorain without doing all of the following:

(a) Providing to the Safety/Service Director a certificate of general liability insurance from an insurance company duly licensed to transact such business in the State or of an insurance company not authorized to transact business in this state, provided such insurance is written through a citizen of this state duly licensed as provided by Ohio Revised Code Sections 3905.03, et seq., in the amount of no less than (1) One million dollars (\$1,000,000.00) for food trucks; (2) One-million dollars (\$1,000,000.00) for food trailers; (3) Three-hundred-thousand dollars

(\$300,000.00) for pedi-food carts; and (4) Three-hundred-thousand dollars (\$300,000.00) for pushcarts.

(b) Affirming, in writing, as set forth in the Application Packet that the individual or organization shall forever indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from operation of a mobile food vending unit in the public right of way.

(c) Adding the City of Lorain as a coinsured under the insurance policy described in subsection (a) of this section.

776.11 - Mobile food vending unit size, description, requirements, and prohibited equipment.

(a) A mobile food vending unit operating exclusively on private property shall have limitations established under this chapter regarding the size of the unit.

(b) A mobile food vending unit operating exclusively on private property shall have limitations established under this chapter regarding the use of a generator, provided that operation of such device is in compliance with applicable provisions of the Ohio Revised Code. For mobile food vending units, the Director shall promulgate such rules regarding mobile food vending unit size, description, construction, requirements, and prohibited equipment as may be necessary to protect the public health, safety, sanitation and general welfare.

(c) A mobile food vending unit operating on private property shall have a size limitation of 30 feet. Exceptions must be placed in writing and submitted to the Safety Service Director, or his designee with the original application packet for approval.

776.12 - General operational requirements.

(a) The owner, operator, and/or employee of a mobile food vending unit shall abide by all of the following:

(1) For any refuse collected from the operation of the unit, refrain from causing or allowing the disposal of such refuse in or beside any public trash container at any time, or the disposal of such refuse in or beside any private trash container without permission;

(2) Refrain from causing or allowing the illegal disposal or release of oils or greases;

(3) Refrain from causing or allowing to be placed in the public right of way any seating, flower pots, or other temporary structures, with the exception of trash receptacles, canopies, or permitted pushcarts unless required by law

(4) Post, at the point of sale, the most recent health inspection placard from Lorain County Public Health or health inspection license from any other department of health;

- (5) Refrain from causing or allowing any person to operate or work from a mobile food vending unit if that person has been convicted of a felony, misdemeanor or code violation listed under L.C.O. 776.07(b) from or otherwise involving a mobile food vending unit within the preceding seven (7) years; and
- (6) Refrain from otherwise causing or allowing the operation of a mobile food vending unit in a manner that violates this chapter or applicable sections of the Lorain City Ordinances;
- (7) Maintain a ten (10) foot radius around the unit free and clear of any refuse, and, at the conclusion of vending operations each day, collect and dispose of any refuse within the aforementioned radius as provided for herein;
- (8) Provide sufficient, accessible, private refuse disposal to maintain sanitary conditions in and about the mobile food vending unit, provided that private recycling container(s) may also be used to supplement this purpose;
- (9) Legally dispose of all refuse and/or recyclable materials collected under this section;
- (10) Only sell or serve food sidewalk side, if vending from a street, road or alley;
- (11) Upon request from the Safety/Service Director or their designee, provide any permit required for mobile food vending;
- (12) Offer to each customer a receipt; such receipt must be given by either physical or electronic means unless declined by the customer, and must contain, at a minimum, the name and telephone number of the mobile food vending unit or owner, the date of purchase, and the amount of purchase;
- (13) Comply with all applicable zoning requirements;
- (14) Comply with all established parking rules and regulations;
- (15) Refrain from causing or allowing any unauthorized person to enter an enclosed unit during operating hours;
- (16) Refrain from causing or allowing the projection of music from a mobile food vending unit except when temporarily operating from a street, alley or road as provided for in Section 776.121.
- (17) Refrain from causing or allowing the use of any sound system to announce the availability of goods.

776.121 - Vending from a unit upon a street, alley or road.

- (a) This section shall apply to mobile food vending units that go from place to place upon a street, alley or road with the intent to vend on a short-term, temporary basis at each place. Such

units include, by way of example and not by way of limitation, an ice cream truck or other frozen dessert truck.

(b) Such mobile food vending units shall do all of the following:

- (1) Only stop when hailed by or to solicit a potential customer;
- (2) Only vend adjacent to a sidewalk, refraining from parking in a traffic lane to vend, or otherwise unreasonably obstructing traffic to vend;
- (3) Only vend from such location for up to fifteen (15) minutes;
- (4) Only operate from 8:00 a.m. to 8:00 p.m.; and
- (5) Only utilize a sound system to project music.

776.122 - Operation on private property.

(a) No individual or organization shall operate or cause to be operated any mobile food vending unit on private property within the corporate limits of the city of Lorain without meeting the licensing and fee requirements of this chapter, unless otherwise exempted by this chapter.

(b) Operation of a mobile food vending unit on private property must be in compliance with all applicable zoning requirements related to commercial activity on private property.

776.123 - Authority to enforce by issuance of a citation.

(a) Sworn officers of the Lorain Police Department, and duly authorized Code Enforcement Officers of the Lorain Safety and Service Departments shall have the authority to enforce by issuance of a citation the provisions of this Chapter by issuance of a citation in accordance with authority established under Lorain Codified Ordinances.

(b) Upon a request for verification, an owner or operator shall provide physical documentation of a permit issued under this chapter.

776.13 - Mobile Food Vending Advisory Board.

There is created a Mobile Food Vending Advisory Board, which shall consist of seven (7) members as follows:

(a) The city of Lorain representatives shall consist of:

- (1) A representative from the department of Building, Housing, and Planning, appointed by the Director;
- (2) A representative from the department of Safety/Service, appointed by the Safety/Service Director;

(3) A representative from Lorain City Clerk of Council Office, appointed by the Council President;

(4) A representative from Lorain Division of Fire, appointed by the Director of Public Safety;

(5) A representative from Lorain County Department of Health, appointed by the Lorain County Health Department.

(b) The appointed members shall consist of the following, appointed by the Director: (1) A representative from a business with a location located in the City of Lorain; (2) A representative from the City of Lorain food truck industry.

(c) The representative from the department of building and zoning services shall serve as chairperson of the board. In his or her absence, the representative from the Department of Safety/Service shall serve as chairperson.

776.131 - Powers of the board.

The purpose of the board shall be to advise the City in the administration of mobile food vending.

(a) The board shall hear appeals provided for in this chapter.

(b) The board shall have the authority to advise on rules and regulations governing the following:

(1) The mobile food vending unit size, description, requirements, and prohibited equipment;

(2) The creation of designated mobile food vending locations;

(3) The creation of mobile food vending courts;

(4) The designation of a parking space as unavailable for mobile food vending; or

(5) Any other matter that should reasonably, necessarily, and consistently be presented to the board for advisement.

(b) The board shall help identify and evaluate designated mobile food vending spaces and courts.

(c) The board shall at least once a year conduct a review of all zones, designated mobile food vending locations, mobile food vending courts, limitations regarding reservations, and spaces designated as unavailable for mobile food vending. The board may otherwise conduct such a review at any regular meeting of the board at the discretion of the board. The board shall do all of the following in conducting and concluding such review:

(1) Hold at least one (1) public meeting to hear requests from the public for additions, deletions, amendments, or other changes to mobile food vending zones, current and requested designated spaces, current and requested mobile food vending courts, reservations, and spaces designated as unavailable for mobile food vending;

(2) Forward its written recommendations on the same to the Director, who shall consider the recommendations as provided for in relevant sections of this code.

(d) The Chair of the Mobile Food Vending Board shall submit for review to members of the board, not less than thirty (30) days prior to promulgation, all proposed rules regarding mobile food vending, unless otherwise stated in this chapter. The board shall forward its recommendations in writing to the director or designee promulgating such rule, who shall consider the recommendations as provided for in relevant sections of this code.

776.132 - Board members' terms; compensation.

The City representatives shall serve during their incumbency. All other members shall serve for a term of six (6) years and until the successor have been appointed and have qualified. All members shall serve without compensation.

776.133 - Board vacancies.

(a) The board shall declare a vacancy in board membership if any member:

(1) Resigns, dies or becomes incapacitated;

(2) Has been convicted of a violation of any provision of Chapter 776;

(3) Fails to attend three (3) successive meetings of the board; or

(4) Fails to attend four (4) meetings of the board during the term of office without said absence being excused.

(b) If a vacancy occurs, the Director shall have authority to appoint a new board member of the same category as the vacated category for whom such new board member is replacing. The newly appointed board member shall serve the remaining unexpired term.

776.134 - Meetings; hearings; voting quorums.

(a) The board shall meet at least annually or at such time that the Chairman calls a lawful meeting, at a time and place designated by the board chair. If a quorum cannot be assembled on the designated meeting date, then the meeting can be postponed until a time that a quorum can be assembled.

(b) All members of the board except for the Chairman will be full voting members. Four (4) members of the board, or however so many sitting members of the board constitutes fifty percent (50%) of the total current members plus one, shall constitute a quorum for the transaction of business and a majority vote of those members present at the annual review public meeting shall be necessary to recommend any changes to designated spaces, or courts. The chair shall be counted as a vote if necessary to complete the requirements for a quorum, but otherwise will vote only in the event of a tie vote.

776.135 - Penalties related to board activities.

No penalty shall be assessed for any violation of Chapter 776 in the performance of a board member's duties. All procedural violation charges shall be filed by an interested party with the Safety/Service Director who will hear such charges relating to the actions of one (1) or more persons in their capacity as board members.

776.14 - Suspension, revocation or permanent revocation of permit.

The Director may suspend, revoke, or permanently revoke the permit of any mobile food vending unit and/or owner who engages in any of the following conduct:

- (1) Obtaining a permit by a false statement in his or her application;
- (2) Failing to comply with the mobile food vending unit operation and vehicle standards established in this chapter;
- (3) Misrepresenting or otherwise making false statements in an affidavit that any mobile food vending unit and/or owner would conduct criminal background checks on all employees;
- (4) Failing to post and maintain required decal(s) and information;
- (5) Failing to offer receipts to customers or to supply receipts when the customer answers in the affirmative;
- (6) Receiving citations for impeding the flow or operation of pedestrian and vehicle traffic, creating unsanitary conditions, becoming an attractive nuisance for children or any other infraction of the Lorain City Codes;
- (7) Repeated violations of Titles 9 or 15 of the Lorain Codified Ordinances;
- (8) Failing to pay parking meters or obtain reservations when applicable;
- (9) Failing to comply with Section 776.14;
- (10) Failing to appear before the Director when properly notified to do so;
- (11) Verbally threatening or attempting to intimidate any employee of the City of Lorain for actions taken in the enforcement of the provisions of this chapter;
- (12) Failing to maintain general liability insurance for each mobile food vending unit;
- (13) Conviction for any crime committed in or from the mobile food vending unit;
- (14) Violation of the operational requirements of Section 776.121, including the requirement that such unit only vend when hailed by a customer or vend for no more than fifteen (15) minutes after being hailed.

776.15 - Appeals.

Any individual or organization who has been refused a permit or renewal of a permit under this chapter or has had a permit issued under this chapter suspended or revoked, may appeal such decision to the Mobile Food Vending Advisory Board. Notice of such appeal must be received by the Mobile Food Vending Advisory Board within (5) days after refusal of permit or renewal or a permit issued under this chapter is suspended or revoked. The Mobile Food Vending Advisory Board shall, upon appeal, uphold or reverse the action within twenty-one (21) days of the receipt of the Notice of Appeal.

776.16 - Severability clause.

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to the particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

776.99 - Penalties.

A violation of any section of this chapter shall be deemed a criminal violation as follows:

(a) Whoever violates L.C.O. 776.02(a) or (b) shall be guilty of misdemeanor of the first degree. Any such violation shall constitute a separate offense on each successive day continued. Strict liability is intended to be imposed for a violation of this section. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by Ohio Revised Code 2901.23.

(b) A violation of any section of Chapter 776 may be grounds for the suspension, revocation or permanent revocation of the Mobile Food Vending unit permit or in the case of a new application may be grounds to refuse to issue such permit for a determinate period of time up to ninety (90) days or permanently, in addition to any other penalties established for such violation in applicable sections of the Lorain City Codes.

SECTION III. That it is found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting and that all deliberations of this council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2026

CLERK

MAYOR

PRESIDENT OF COUNCIL

APPROVED: _____, 2026