CITY OF FOSTORIA, OHIO

Ordinance No.: 2024 - \_\_\_\_\_\_\_\_\_

Introduced by:\_\_\_\_\_\_\_\_\_\_\_

Requested by: Compliance

AN ORDINANCE

Amending Sections 745.04 and 745.05 of Chapter 745 of the Codified Ordinances of the City of Fostoria, Ohio entitled “MOBILE FOOD UNITS.” and “PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS.” respectively.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1: The Council of the City of Fostoria, Ohio hereby approves the recommended amendments to Section 745.04 of Chapter 745 of the City’s Codified Ordinances, which are attached hereto and incorporated herein as though fully re-written.

SECTION 2: The Council of the City of Fostoria, Ohio hereby approves the recommended amendments to Section 745.05 of Chapter 745 of the City’s Codified Ordinances, which are attached hereto and incorporated herein as though fully re-written.

SECTION 3: It is 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 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 4: That in order to preserve the public peace, health, safety and welfare of the City of Fostoria and its inhabitants, this measure shall take effect at the earliest time allowed by law after its passage for the reason that this ordinance is necessary for the inhabitants of the City of Fostoria.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brian Shaver, Council President

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tamara L. Drake, Clerk of Council

Filed with me and approved by me this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donald L. Mennel, Mayor

**745.04 MOBILE FOOD ~~VENDORS~~ UNITS.**

   (a)   All mobile food ~~vendors~~ units must maintain clear distance from each other.

   (b)   Permit Required. Mobile food ~~vendor~~ unit permit is required for the sale of food by a mobile food business on public or private property selling to the general public. An application must be filed in the ~~Safety Service Director's~~ Compliance Officer’s Office and shall include the following minimum requirements:

      (1)    Copy of current/valid State of Ohio ~~mobile food~~ vendor license (front and back);

~~(2)    Proof of registration with City's Income Tax Division;~~

      (~~3~~2)    Proof of current liability insurance of at least one million dollars ($1,000,000) listing the City of Fostoria as an Additional Insured;

      (~~4~~3)    Plan for power and water must be submitted to the ~~Director of Public Service and Safety~~ Compliance Officer.

      (~~5~~4)    Payment of fee as determined in the permit application.

      (~~6~~5)    ~~Pass a fire safety code inspection conducted by the Fire Division.~~ A current written certification that the Mobile Food ~~Vendor~~ Unit has passed all necessary inspections required by the City of Fostoria Division of Fire.

(6) A current written certification that the Mobile Food ~~Vendor~~ Unit Operator and the Mobile Food ~~Vehicle~~ Unit have passed all necessary inspections and are in full compliance with the Ohio Department of Health. Copy of current Food Service License is required.

~~(7)    An applicant with an existing permanent place of business in the City is exempted from the fee and proof of registration with the City's Income Tax Division.~~

   (c)   Public Property Operation.

      (1)    ~~Vendors~~ Mobile Food Units are prohibited from operating from on-street parking locations on Main Street and within City-owned parking lots; unless as part of an authorized mobile food ~~vendor~~ unit special event permit or special event permit.

      (2)    On-street parking operation: All parking and traffic laws must be followed, no additional seating or tables may be utilized; external signs must conform to the City zoning laws.

      (3)    Sidewalk operation: ~~Vendor~~ Unit must maintain a four-foot path that is free and clear for pedestrian traffic, and shall not place additional seating or signage on the sidewalk.

   (d)   Mobile Food ~~Vendor~~ Unit Special Event Permit. This permit, to be obtained in the office of the Safety Service Director, shall provide for permitting of events centering on mobile food ~~vendors~~ units. It is not required that each individual ~~vendor~~ unit, operating as part of an approved mobile food ~~vendor~~ unit special event permit, obtain a special event permit, ~~carry a mobile food vendor permit as described in Section~~[~~745.04~~](https://codelibrary.amlegal.com/codes/fostoria/latest/fostoria_oh/0-0-0-29746#JD_745.04)~~(b);~~ however, every ~~vendor~~ unit shall obtain a mobile vendor permit as described in Section 745.04(b).~~successfully pass a fire safety code inspection conducted by the Fire Division. The applicant for the mobile food vendor special event permit is responsible to confirm that all participating vendors have proper licensing with the State of Ohio.~~

      (1)    Mobile food ~~vendor~~ unit special event permit on private property. Applicant must complete permit application and pay the fee and have written permission from the property owner.

      (2)    Mobile food vendor special event permit on public property. In addition to the permit application and the fee, a proposed gathering on public property shall also meet the following minimum requirements:

         A.   The applicant shall also deposit, before the ~~license~~ permit is issued, the sum of ~~one~~ two hundred and fifty dollars ($~~10~~250.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which the business is conducted are not cleaned and all merchandise, property, refuse, and temporary structures are not removed therefrom and properly disposed of within forty-eight hours after the termination of the business, the ~~Safety Service Director~~ Compliance Officer shall immediately cause such work to be done and report the cost thereof to the Auditor, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.

         B.   Plan for electrical and water service must be submitted to the ~~Safety Service Director~~ Compliance Officer.

         C.   If external signage or seating is requested, the plan must be submitted as part of the application.

         D.   Proof of liability insurance of at least one million dollars ($1,000,000); listing the City of Fostoria as an Additional Insured.

         E.   Organizers may not charge an admission or cover charge for events to be held on public property.

   (e)   In all instances, the ~~Safety Service Director~~ Compliance Officer or designee shall have the authority to remove a food ~~vendor~~ unit, whether on public property or private property when selling to the general public, when said ~~vendor's~~ unit’s operation is deemed a safety concern.

**745.05 PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS.**

   (a)   Licenses for peddlers, solicitors, and itinerant merchants shall be obtained from the ~~Safety Service Director~~ Compliance Officer.

   (b)   The application shall be made at least ten days before the license is required.

   (c)   Permit fee must be paid.

~~(d)   The applicant is required to provide proof that he or she has filled out all necessary forms with the City's Income Tax Division.~~

   (~~e~~d)   Licenses shall expire on December 31 of the year in which the license is issued.

   (~~f~~e)   The license shall be exhibited in the place of business by itinerant merchants, shall be carried by any peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person solicited or any police officer on request.

   (~~g~~f)   Any applicant who has applied for a license in accordance with this chapter, and to whom the ~~Safety Service Director~~ Compliance Officer has, after investigation, denied a license, shall be entitled to appeal to Council. Notice of the appeal shall be filed with the Clerk of Council within five days after the denial of the license by the ~~Safety Service Director~~ Compliance Officer. Council, on appeal, may grant or reject the application for a license.

~~(hg)   All business done under a license issued under this chapter shall be conducted between the hours of 10:00 a.m. and 5:00 p.m. Monday- Saturday. No business shall be conducted on Sunday or on any federal holiday.~~

   (~~i~~g)   No peddler, canvasser, or solicitor shall knock at the door of or ring the bell of any private home, apartment, or apartment building in the city where there is displayed at the entrance a notice reading "No Solicitors, Peddlers, or Canvassers Allowed," or which otherwise clearly purports to prohibit persons from doing so, unless the person is or has been invited upon the premises by the owner, lessee, or occupant thereof.

   (~~j~~h)   No peddler, solicitor, or canvasser shall vex, annoy, or harass any person by importuning the person to purchase or to look at his or her goods or wares; nor shall any peddler, solicitor, or canvasser enter any private house or residence without being invited to come in.

~~(k)   The applicant shall also deposit, before the license is issued, the sum of one hundred dollars ($100.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which the business is conducted are not cleaned and all merchandise, property, refuse, and temporary structures are not removed therefrom and properly disposed of within forty-eight hours after the termination of the business, the Safety Service Director Compliance Officer shall immediately cause such work to be done and report the cost thereof to the Auditor, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.~~