

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

AN ORDINANCE AMENDING SECTION 1163.03 (b) (26) OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE MOBILE PRODUCE VENDORS.

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to include regulations regarding mobile produce vendors in the City of Brookville; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

SECTION I: Section 1163.03(b) (26) is hereby amended to regulate mobile produce vendors. The amended Section 1163.03(b) (26) is set forth in Exhibit "A" attached hereto and incorporated herein by reference, and hereby approved.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

ATTEST:



David E. Seagraves, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2017-08, passed by the Council of the City of Brookville, Ohio, on the 19th day of September 2017.



Meghan Wheeler, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2017-08 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 21st day of September 2017, to the 21st day of October 2017, both days inclusive.



Meghan Wheeler, Clerk

EXHIBIT "A"

1163.03(b)(26) Mobile Food Vendors and Mobile Produce Vendors.

A. Mobile Food Vendor is defined as a person who sells retail food or beverages to the public from any temporary structure or push cart, mobile kitchen, hot dog cart, pretzel wagon, or similar use which is designated to be readily movable and is located on a property within the boundaries of the City. Mobile Produce Vendor is defined as a person who sells vegetable and/or fruit produce from any temporary structure or mobile wagon, cart or vehicle which is designated to be readily movable and is located on a property within the City of Brookville.

B. Mobile Food Vending and Mobile Produce Vending shall be a special use in the CC, GB, HS, I-1 and I-2 zoning districts subject to the following conditions:

1. The Planning Commission shall approve the location of the mobile food vendor or mobile produce vendor, and the mobile food vendor or mobile produce vendor shall operate from the approved location during the term of the permit. The Planning Commission may approve a location that is within the zoning district, including an improved lot that has an existing business located and operating on said improved lot. The Planning Commission may approve a location on property owned by the City of Brookville, but the Planning Commission shall not approve a location within a city park. Planning Commission may also designate certain locations in the City as approved locations for mobile food vendors or mobile produce vendors, and authorize the Zoning Enforcement Officer to approve permits for mobile food vendors or mobile produce vendors that will be located in these approved locations and that are in compliance with the regulations set forth in this ordinance.

2. An approved Special Use Permit for a mobile food vendor or mobile produce vendor shall expire one (1) year from the date of issuance.

3. A mobile food vendor or mobile produce vendor shall be licensed and fully comply with all applicable laws, and failure to be licensed or to comply with all applicable laws shall be grounds for immediate termination of the Special Use Permit by the Zoning Enforcement

Officer. The applicant shall provide a copy of all required licenses for food service to the Zoning Enforcement Officer prior to the issuance of a Zoning Permit.

4. The owner of the property where the mobile food vendor or mobile produce vendor is located shall consent in writing to the location of the mobile food vendor or mobile produce vendor on their property.

5. No mobile food vendor or mobile produce vendor shall be located on an unimproved vacant lot.

6. The Planning Commission shall determine that there is adequate parking on the property where the mobile food vendor or mobile produce vendor is located or there is public parking immediately adjacent to the property where the mobile food vendor or mobile produce vendor is located to insure public safety for patrons of the mobile food vendor or mobile produce vendor.

7. These regulations do not apply to mobile food vendors or mobile produce vendors that supply food, beverages, or produce during any special public or charitable event that does not exceed five (5) consecutive days in duration.