

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2010-06

Passed AUGUST 3RD, 2010

**AN ORDINANCE ESTABLISHING CERTAIN REGULATIONS FOR MOBILE FOOD VENDORS IN THE CITY OF BROOKVILLE, OHIO.**

**WHEREAS**, the Council of the City of Brookville desires to adopt certain zoning regulations for mobile food vendors; and

**WHEREAS**, after a Public Hearing on this Ordinance as required by Section 4.11 of the Charter of the City of Brookville, and upon recommendation of the Planning Commission, the Council of the City of Brookville hereby adopts the following zoning regulations regarding mobile food vendors.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** Council hereby enacts and adopts the following regulations regarding mobile food vendors in the City of Brookville.

**1163.03(b)(26) MOBILE FOOD 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.

(B) Mobile Food 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 vendor, and the mobile food vendor shall operate from the approved location during the term of the Permit. The Planning Commission may approve a location that is an improved lot 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.

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

(3) A mobile food 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 issuance of a Zoning Permit.

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

(5) No mobile food vendors 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 is located or there is public parking immediately adjacent to the property where the mobile food vendor is located to insure public safety for patrons of the mobile food vendor.

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

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**SECTION II:** Sections 1163.03(b)(26) to (38) are hereby renumbered to Sections 1163.03(b)(27) to (39). Section 1137.02(b) Special Uses is hereby amended to add Section 1137.02(b)(12) Mobile Food Vendors. Section 1139.02(b) Special Uses is hereby amended to add 1139.02(b)(3) Mobile Food Vendors. Section 1141.02(b) Special Uses is hereby amended to add 1141.02(b)(6). Section 1143.02(b) Special Uses is hereby amended to add 1143.02(b)(14) Mobile Food Vendors and renumber Section 1143.02(b)(14) to Section 1143.02(b)(15). Section 1145.02(b) Special Uses is hereby amended to add 1145.02(b)(22) Mobile Food Vendors and renumber Section 1145.02(b)(22) to 1145.02(b)(23).


**SECTION III:** This Ordinance shall repeal or rescind any Ordinance or Resolution in conflict herewith.

**SECTION IV:** This Ordinance shall take effect thirty (30) days after passage by Council pursuant to the Charter of the City of Brookville.

PASSED this 3rd day of August 2010.

ATTEST:

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2010-06, passed by the Council of the City of Brookville, Ohio, on the 3rd day of August 2010.

  
Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2010-06 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 9th day of August 2010 to the 9th day of September 2010, both days inclusive.

  
Sonja M. Keaton, Clerk