
Chapter 573- Mobile Food Vending

573.01 Definitions.

When used in this chapter:

- (a) "Board" shall mean the Mobile Food Vending Advisory Board.
- (b) "Columbus Public Health" shall mean the department of health for the city of Columbus, as established in Chapter 135.
- (c) "Commercial zone" shall mean a geographic area that has a combination of public right of way access, vehicular traffic patterns, pedestrian density, and mobility options, such that reasonable access for mobile food vending does not constitute a ~~an unreasonable~~ threat to public health and safety. The Director of Public Safety shall have the authority to create, designate, alter, or eliminate a Commercial Zone area, layout, or map.
- (d) "Congestion zone" shall mean a geographic area that has a combination of public right of way parking limitations, meter restrictions, vehicular traffic patterns, pedestrian density, and mobility issues, such that unrestricted access for mobile food vending constitutes a ~~an unreasonable~~ threat to public health and safety. The Director of Public Safety shall have the authority to create, designate, alter, or eliminate a Congestion Zone area, layout, or map.
- (e) "Director" shall mean the director of public safety, or designee.
- (f) "Department of Health" shall have the same meaning as "licensor" for a mobile vending health license in Ohio Revised Code 3717.01(O).
- (g) "Designated Public Right Of Way Access Permit" shall mean a temporary document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate for a defined and limited period of time in a Congestion Zone only, specific to a designated mobile food vending space in the public right of way or in a mobile food vending court, further subject to the limitations and provisions of this chapter.
- (h) "Designated Temporary Commercial Zone permit" shall mean a temporary document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate in the public right of way in a temporary commercial zone or Non-commercial zone, subject to the limitations and provisions of this chapter.
- (hi) "Division of Fire" shall mean the Department of Public Safety, Division of Fire, and is further defined in Section 217.04.
- (ij) "Downtown District" shall have the same meaning and boundaries as the Downtown District in Chapter 3359.
- (jk) "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.
- (kl) "Food delivery operation" shall mean a food service operation from which food is ordered off-site by a customer, prepared, and delivered to the customer. "Food delivery operation" includes, by way of example and not by way of limitation, pizza delivery, sandwich delivery, restaurant delivery services, or "food delivery sales operations" as defined in Ohio Revised Code 3717.01(H).

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- (~~lm~~) "Food service operation" shall mean, for the purposes of a mobile food vending license, 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.
- (~~mn~~) "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.
- (~~no~~) "Food truck" shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending.
- (~~op~~) "Food truck industry" shall mean both food trucks, push carts, pedi-food carts, and food trailers.
- (~~pq~~) "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.
- (~~qr~~) "General public right of way access permit" shall mean a document issued to a mobile food vending unit ~~via an electronic reservation system~~ by the Department of Public Safety, such that the unit may operate in the public right of way outside designated spaces or mobile food courts in eCongestion or eCommercial zones, subject to the limitations and provisions of this chapter.
- (~~rs~~) "Health license" shall mean an official document issued by a department of health pursuant to Section 3701 of the Ohio Revised Code. Such health license shall be separate from any other license required under this chapter. Such document may be either an annual health license or a temporary health license.
- (~~st~~) "License Section" shall mean the Department of Public Safety, Division of Support Services, License Section, and is further defined in Sections 501.02 and 501.03.
- (~~tu~~) "Licensing period" shall mean the first (1st) ~~sixteenth (16th)~~ day of April ~~March~~ to the thirty-first (31st) ~~fifteenth (15th)~~ day of March of the next succeeding year.
- (~~uv~~) "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.
- (~~wv~~) "Mobile food vending license" shall mean an official document issued by the Department of Public Safety authorizing operation of a mobile food vending unit within the corporate limits of the city of Columbus. Mobile food vending license does not include a health license required by Section 3717 of the Ohio Revised Code. Unless otherwise stated, "license" shall have the same meaning as "mobile food vending license."
- (~~wx~~) "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. For the purposes of a mobile food vending license," mobile food vending unit "excludes food delivery operations and vending machines, as defined in Ohio Revised Code 3717.01(L).

- (~~xy~~) "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.
- (~~yz~~) "Non-commercial zone" shall mean all areas within the corporate limits of the city of Columbus that have not been designated a "eCongestion zone" or a "eCommercial zone." Non-commercial zone includes any public right of way where the city of Columbus requires, at all times, a permit for parking.
- (~~z~~aa) "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.
- (~~a~~abb) "Permanently revoke" shall, for the purposes of a mobile food vending license, mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license.
- (~~b~~cc) "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.
- (~~e~~dd) "Public event" shall, for the purposes of a mobile food vending license, mean any public activity or gathering or assemblage of people, other than a special event, that is open to the general public for admission, requires payment for entrance, attendance or participation, and requires the issuance of a health license or temporary health license pursuant to Ohio Revised Code 3717.01 for participating mobile food vendors. "Public event" includes, by way of example and not by way of limitation, a sporting event at an arena or stadium, a state fair, a concert, or a theatre production.
- (~~d~~ee) "Public right of way" shall mean any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
- (~~e~~ff) "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 licensed as pushcarts.
- (~~f~~gg) "Revoke" shall, for the purposes of a mobile food vending license, mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license.
- (~~g~~hh) "Retail food establishment" shall, for the purposes of a mobile food vending license, 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.

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- (~~h~~h~~i~~i) "Rule" or "rules" shall, unless otherwise stated in this chapter, mean rules promulgated as provided for in Sections 121.01 through 121.05. 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.
- (~~h~~h~~j~~j) "Short north" shall have the same meaning and boundaries as the Victorian Village Commission and the Italian Village Commission in Chapter 3119.
- (~~j~~j~~k~~k) "Special event" shall, for the purposes of a mobile food vending license, mean any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade permit, community market, or other like permit has been issued by the city of Columbus.
- (~~k~~k~~l~~l) "Suspend" shall, for the purposes of a mobile food vending license, mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
- (~~H~~H~~m~~m) "Temporary commercial zone" shall mean the closing of one (1) or more parking locations in the public right of way between one (1) or more intersections, while maintaining vehicular traffic access on the street, road, or alley, for the purpose of conducting commercial activity, including mobile food vending.
- (~~m~~m~~n~~n) "University district" shall mean the geographical area within the Glen Echo ravine on the north, Penn Central railroad on the east, Fifth Avenue on the south and the Olentangy River on the west.
- (~~n~~n~~o~~o) "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).

573.02 - License 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 Columbus without a current and valid mobile food vending license issued by the License Section in accordance with the provisions of this chapter and applicable general licensing requirements contained in Chapter 501.
- (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 Columbus 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 Columbus City Codes, whichever is applicable.
- (c) No commercial sales, commercial sales promoter, or itinerant vendor license shall be required for the operation of a mobile food vending unit.
- (d) Mobile food vending units that only operate as part of a special event ~~or public event~~ shall not require a mobile food vending license. Such units must comply with any health and fire licensing requirements of the State.
- (e) 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 license, or upon a department of health in the conduct of its responsibilities relative to mobile food vending units.
- (f) A licensed mobile food vendor shall comply with all local and state fire codes.

573.03 - Application for license.

- (a) An application packet for a mobile food vending license and a health license must be submitted by the owner of the unit to the License Section. A separate application packet must be submitted for each unit. Application for a mobile food vending license shall be on a form prescribed by the License Section and shall substantially comply with subsection (b). Application for a health license shall be on a form approved by the State and shall be provided forthwith to Columbus Public Health; if, however, the owner of a unit has received a current and valid health license from a department of health other than Columbus Public Health, proof of such license must be submitted in lieu of a health license application.
- (b) Application for a mobile food vending license shall be made under oath and shall contain the following information and/or material:
 - (1) Name, permanent address, telephone number, electronic mail address, date of birth, and driver' s license 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 Itinerant Vendors License, if required;

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- (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 licensed for mobile food vending;
 - (6) Current and valid state vehicle registration information for the unit proposed to be licensed for mobile food vending;
 - (7) Proof of a city income tax filing number or exemption from the city of Columbus Division of Income Tax;
 - (8) Proof that the applicant is current and compliant in the payment of any city of Columbus 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 Columbus 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 license, the applicant will conduct an annual ~~criminal~~ BCI (Bureau of Criminal Investigation) background check prior to allowing any person to operate the mobile food vending unit in the public right of way;
 - (11) Affirmation that, upon issuance of a license, the applicant will provide to the License Section 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
 - (12) Any other information required by the License Section or the department of health.
- (c) The License Section must examine all applications for a mobile food vending license 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 License Section shall provide a written determination to each applicant. If a complete application for a mobile food vending license is not approved, any reason(s) for that determination must be provided to each applicant in writing.
- (e) The License Section must immediately forward the original application for a health license to Columbus Public Health, which shall consider the application as provided for by the State. Columbus Public Health shall provide a written determination regarding the application to the License Section. If an application for a mobile food vending health license is not approved, any reason(s) for that determination must also be provided to each applicant in writing.
- (f) Upon approval of the application(s), each unit proposed to be licensed for mobile food vending shall be inspected as provided for herein prior to the issuance of any mobile food vending license or health license. Nothing in this section shall limit the authority of a department of health to conduct an inspection as otherwise allowed by the State.
- (g) Any rules or ordinances that contain information related to the license process or operation of a mobile food unit shall be provided to the applicant and made available on the License Section's website.

573.07 - Inspection and license fees.

- (a) For each mobile food vending unit, the owner shall pay to the License Section a non-refundable inspection and license fee of one-hundred-eighty dollars (\$180.00) for each licensing period. The owner must also pay to Columbus Public Health any fees assessed by or for such department. If a re-inspection is necessary, the initial re-inspection will require no additional fees or charges. For all subsequent re-inspections during a licensing period, the re-inspection fee shall include any fees assessed by or for Columbus Public Health, as well as one-hundred-eighty dollars (\$180.00) for the License Section.
- (b) For each mobile food vending unit that may operate in the public right of way, the owner shall pay to the License Section a non-refundable public right of way license fee, in addition to the fee under Section 573.07(a), for each licensing period. The fee shall be two-hundred-fifty dollars (\$250.00) per unit for each licensing period the owner receives such license.
- (c) The director of public safety or designee may allocate, by rule, a portion of each fee under subsection (b) to one or more organizations in congestion zones to defray the costs associated with operations or programs that benefit the public right of way. Such organizations receiving a portion of the fee can include nonprofit corporations, local or area chambers of commerce or similar business advocacy organization, established civic or neighborhood advocacy group, or similar organization, and such organizations must dedicate these monies to benefit the public right-of-way through maintenance, beautification efforts, public safety initiatives, or similar operations or programming. The organizations receiving any portion of the fee, as well as the percentage of the fee itself, shall be determined by the director of public safety or designee, with the concurrence of council by ordinance.
- (d) There shall be no proration, reduction, or refund of such fees.
- (e) The License Section shall establish policies and procedures necessary to reimburse Columbus Public Health and the Division of Fire for routine fees associated with the aforementioned licensing and inspections, and to disburse any monies designated for organizations per subsection (c). Such reimbursement and disbursement must take place at regular intervals, at least four (4) times per calendar year.

573.08 - Requirements for issuing a license.

- (a) The License Section shall issue a mobile food vending license 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 573.03;
 - (2) Whose mobile food vending unit has passed the inspections required under this chapter;

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- (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 license under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the License Section that the reasons for such earlier denial no longer exist;
 - (5) Who has paid all applicable application and license fees; and
 - (6) Who is not otherwise refused a license under the requirements of this chapter.
- (b) ~~If the applicant intends to operate in the public right of way, t~~The License Section may shall refuse to issue licenses 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, 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, within seven (7) years preceding the date of application.
 - (c) Decals provided in Section 573.08(a) of this chapter shall reflect the corresponding license 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 License Section shall keep a record of the identification number of every unit and the date of inspection in its office.
 - (e) Columbus Public Health shall issue a health license in accordance with rules and regulations established by the State, pursuant to Ohio Revised Code Chapter 3717 and any local or state rules promulgated under authority of that code or the Columbus City Codes. A copy of each unit's health license shall be forwarded to the License Section, which shall keep a record of the identification number of every unit and the date of inspection.

573.09 - Expiration and renewal of license.

- (a) Each license issued under this chapter shall expire on the thirty-first (31st) ~~fifteenth (15th)~~ day of March following the date of issue.
- (b) Each licensee must comply with the application and inspection requirements of this chapter to receive a new license for the succeeding licensing period.
- (c) Each health license shall expire on the date established by law.
- (d) Each health licensee must comply with the application and inspection requirements established by the State, pursuant to Ohio Revised Code Chapter 3717 to receive a health license for the succeeding licensing period.

573.13 - General operational requirements.

(a) The owner and/or operator 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) For any recycling collected from the operation of the unit, refrain from causing or allowing placement of such recyclable materials in or beside any private recycling container without permission, or the placement of such recyclable materials in or beside any public recycling container, provided that recyclable materials may be placed in a public bulk drop-off recycling bin;

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

(4) Refrain from causing or allowing to be placed in the public right of way any seating, signage, flower pots, or other temporary structures, with the exception of trash receptacles, structures necessary to meet requirements under Section 573.13(b)(6), or licensed pushcarts;

(5) Post, at the point of sale, the name, permanent address, telephone number, and electronic mail address of the owner of the mobile food vending unit;

(6) Post, at the point of sale, the mobile food vending license;

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

(8) Post, at the point of sale, the telephone number to report complaints to the city of Columbus;

(9) Comply with applicable provisions of Section 2329.11; ~~and~~

(10) 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 CC 573.08(b) from or otherwise involving a mobile food vending unit within the preceding seven (7) years; and

~~(11)~~ 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 Columbus City Codes.

(b) The owner and/or operator of a mobile food vending unit shall abide by all of the following requirements when vending from or on the public right of way:

(1) Maintain a twenty-five (25) 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;

(2) 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;

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- (3) Post, in a conspicuous place, a notice to customers requesting that they use the refuse and/or recycling receptacle(s) provided;
 - (4) Legally dispose of all refuse and/or recyclable materials collected under this section;
 - (5) Only sell or serve food sidewalk side, if vending from a street, road or alley;
 - (6) Comply with applicable provisions of the Americans with Disabilities Act related to pedestrian use of city sidewalks;
 - (7) ~~Post, in a conspicuous place,~~ Upon request from any person authorized under CC 573.1391(a), provide any permit or reservation confirmation required for mobile food vending in the public right of way;
 - (8) 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;
 - (9) Comply with all applicable eCongestion, eCommercial, and ~~h~~Non-commercial zone requirements;
 - (10) Comply with all established parking rules and regulations, including prompt and timely payment of any applicable parking meter fees, if not exempt under CC 573.132(e)(4) or 573.133(b)(4);
 - (11) Refrain from causing or allowing any unauthorized person to enter an enclosed unit during operating hours;
 - (12) 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 573.136; and
 - ~~(13) Refrain from causing or allowing any person to operate or work from a mobile food vending unit in the public right of way if that person has been convicted of a felony, misdemeanor or code violation listed under [Subsection CC 573.08(b) from or otherwise involving a mobile food vending unit within the preceding seven (7) years; and~~
 - (14) Refrain from causing or allowing the use of any sound system to announce the availability of goods.

573.131 Operation in the public right of way.

- (a) No individual or organization shall operate or cause to be operated any mobile food vending unit in the public right of way within the corporate limits of the city of Columbus without a general, designated, or temporary commercial right of way permit. ~~meeting the licensing and fee requirements of this chapter~~
- (b) Mobile food vending units operating in the public right of way shall comply with the requirements of Titles 9 and 21, where applicable. No individual or organization shall cause or allow the operation of a mobile food vending unit in any of the following:
 - (1) A handicap parking space;

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- (2) A valet zone during hours of normal operation;
 - (3) A loading zone during hours of normal operation;
 - (4) Any metered parking space with a maximum parking time of thirty (30) minutes or less;
 - (5) Any taxi stand during hours of operation;
 - (6) Any bus stop at any time;
 - (7) The public right of way abutting a commercial establishment utilizing a current and valid sidewalk dining permit, as this constitutes unreasonable interference with pedestrian traffic;
 - (8) The public right of way abutting public or city permitted bicycle parking, a fire hydrant, or a public trash or recycling receptacle;
 - (9) Any non-commercial zone without a temporary commercial zone permit issued under CC 922;
 - (10) Anywhere in the public right of way when a street and/or sidewalk closure has been issued by the city of Columbus for construction, maintenance, or any other permitted purpose, unless authorized by written agreement with the individual or entity requesting the closure;
 - (11) The public right of way between the hours of 3:00 a.m. and 6:00 a.m.;
 - (12) The public right of way within one-thousand (1,000) feet of any pre-K-12 school, provided that nothing herein shall prohibit operation on school property at the discretion of the school;
 - (13) The public right of way on either side of the portion of a street, road or alley that abuts any city of Columbus Recreation and Parks facility, other than administrative facilities or facilities within the Downtown District, without a designated temporary commercial zone permit or as part of a special event or public event;
 - (14) A sidewalk unless the unit is a pushcart;
 - (15) Within one-thousand (1,000) feet of any special event, except as follows: with the express written permission of the event organizer; as an authorized participant in said event; or utilizing a designated mobile food vending access permit in an area not impacted by a street closure;
 - (16) The public right of way if the unit is not parallel to the curb;
 - (17) The public right of way on any bridge or other elevated roadway;
 - (18) The public right of way so as to unreasonably impede the flow of pedestrian traffic, including pedestrian ingress and egress from a building abutting such right of way;
 - (19) The public right of way so as to unreasonably impede the flow or operation of vehicular traffic; or
 - (20) A parking space unavailable for mobile food vending, as provided for in subsection (c).
- (c) The director of public service, in consultation with the director of public safety or designee, may designate parking spaces as unavailable for mobile food vending if operation of a mobile

food vending unit at such location would constitute a threat to public health and safety. Such designation may be initiated by the department, at the request of the director of public safety or designee, or as follows:

- (1) A property owner or occupant-tenant abutting such location may submit to the director of public service or designee a written request for such designation.
 - (2) Such request must be on a form prescribed by the director of public service, setting forth the specific reasons for the request and any supporting information required by the director or designee.
 - (3) To submit such request, an occupant-tenant must possess a current and valid lease.
 - (4) To submit such request, an occupant-tenant must attest that either the governing lease requires the occupant-tenant to take such action, or he or she has made a good faith effort to obtain the property owner's permission prior to submitting such request, whichever is applicable.
 - (5) For the purposes of this subsection, "good faith effort" includes, by way of example and not by way of limitation, an electronic or physical request for permission which is dated at least seven (7) days prior to the date of request, or an affidavit stating that the owner was contacted at least seven (7) days prior to the date of request, but such owner refused or failed to respond to the request.
 - (6) The decision of the director of public service shall be rendered in a reasonable amount of time, as established by rules, and shall be final.
 - (7) Once decided, no additional requests for designation or removal of designation for such location may be considered within twelve (12) consecutive months, except as provided for in [Subsection] 573.165(c).
- (d) The director of public service shall establish, modify and change from time to time, rules and regulations for subsection (c) and reasonable costs associated with such request.

573.132 Operation in a congestion zone.

- (a) Congestion zones rules for mobile food vending shall be ~~established in rules~~ promulgated by the director of public service, in consultation with the director of public safety and the Mobile Food Vending Advisory Board.
- (b) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, shall establish, across all eCongestion zones, no less than twenty (20) parking locations designated for the exclusive use of mobile food vending units in the public right of way. Such parking locations shall be clearly marked "Mobile Food Vending Parking Only." Such parking locations may be distributed across the established eCongestion zones, but shall not be limited to a single eCongestion zone. In addition, the director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may establish, across all Congestion zones, other public right of way locations designated for use by pushcarts, at their discretion, according to any rules and regulations promulgated by the director of public service, in consultation with the director of public safety and the Mobile Food Vending Advisory Board.

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- (c) In addition to the spaces provided for in subsection (b), any property owner in a eCongestion zone may submit a request for a parking location to be designated for the exclusive use of mobile food vending units in the public right of way if such location abuts the owner's property. Locations that abut two or more properties shall require a joint request from all such property owners. Such request shall be submitted to the chair of the Mobile Food Advisory Board, which shall review such request pursuant to Subsection 573.165(c).
 - (d) From 6:00 a.m. to 10:00 p.m., no mobile food vending unit shall operate in the public right of way, other than sidewalks, within a eCongestion zone, except in locations designated for mobile food vending. A mobile food vending unit may only operate in a designated location if it has reserved a designated public right of way access permit for that location per the electronic reservation system provided for in Section 573.14.
 - (e) From 10:00 p.m. to 3:00 a.m., mobile food vending units may operate in the public right of way, other than sidewalks, within a eCongestion zone provided that all of the following requirements are met:
 - (1) The unit is licensed to operate in the public right of way; and
 - (2) The unit occupies the first or last parking space adjacent to an intersection; and
 - (3) The unit occupies and operates from a parking space that otherwise complies with the requirements of this chapter; and
 - (4) ~~The owner and/or operator has reserved a general public right of way access permit per the electronic reservation system provided for in Section 572.14.~~ As part of the reservation, the owner and/or operator shall be exempt from the requirements of Section 2155.05(a), and any meter time for which payment would otherwise be required.
 - (f) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may limit, by rule, the number of reservations available under subsection (e).

~~Note(s) In order to allow time to prepare for the implementation of requirements set forth in Section 573.132, the City finds it necessary to suspend the application of said section. Section 573.132 as provided for in the ordinance from which it is derived shall remain in effect until October 1, 2014.~~

573.133 Operation in a commercial zone.

- (a) Commercial zones rules for mobile food vending shall be ~~established in rules~~ promulgated by the director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board.
- (b) From 6:00 a.m. to 3:00 a.m. on any day, mobile food vending units may operate in the public right of way, other than sidewalks, within a eCommercial zone provided that all of the following requirements are met:
 - (1) The unit is licensed to operate in the public right of way; and
 - (2) The unit occupies the first or last parking space adjacent to an intersection; and
 - (3) The unit occupies and operates from a parking space that otherwise complies with the requirements of this chapter; and

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- (4) The owner and/or operator has reserved a general or designated public right of way access permit per the electronic reservation system provided for in Section 573.14. As part of the reservation, the owner and/or operator shall be exempt from the requirements of Subsection 2155.05(a), and any meter time for which payment would otherwise be required.
- (c) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may establish, within any eCommercial zone, parking locations designated for the exclusive use of mobile food vending units in the public right of way. Such parking locations shall be clearly marked "Mobile Food Vending Parking Only." A mobile food vending unit may only operate in a designated location if it has reserved a designated public right of way access permit for that location per the electronic reservation system provided for in Section 573.14.
- (d) In addition to the spaces provided for in subsection (c), any property owner in a commercial zone may submit a request for a parking location designated for the exclusive use of mobile food vending units in the public right of way if such location abuts the owner's property. Locations that abut two or more properties shall require a joint request from all such property owners. Such request must be submitted to chair of the Mobile Food Advisory Board, which shall review such request pursuant to Subsection 573.165(c).
- (e) The director of public service, in consultation with the director of public safety or designee and the Mobile Food Vending Advisory Board, may limit, by rule, the number of reservations available under subsection (b).

573.137 Operation on sidewalk, pushcarts.

- (a) No mobile food vending unit, other than a licensed pushcart, may operate from or on a public sidewalk.
- (b) Reservations and a general public right of way access permit available via ~~through~~ the electronic reservation system are required to operate a pushcart from or on a public sidewalk. ~~as provided in [Section] CC 573.14.~~
- (c) No person shall move a pushcart between the hours of 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 5:30 p.m., Monday through Friday (except holidays) on any sidewalk, walkway, street, road or alley in the Downtown District, Short North, or University District. Pushcarts may only be operated during such hours and in such areas from a stationary position, and only if such position does not impede rush hour pedestrian or vehicular traffic.
- (d) Pushcarts shall not remain on any sidewalk, walkway, street, road or alley between the hours of 3:00 a.m. and 6:00 a.m., and pushcart operators must cease vending by 2:30 a.m.
- (e) No pushcart shall be used to sell, barter or offer or expose for sale any item or services upon any street, road or alley which is open to any other vehicular traffic.
- (f) No pushcarts shall be allowed on any arterial street as defined by Section 2101.035, except to cross the arterial street at a crosswalk or if the pushcart is being towed by a motor vehicle.
- (g) Pushcarts shall not be used on any sidewalk:
- (1) Within twenty (20) feet of an intersection with a street, road or alley;

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- (2) Within ten (10) feet of a pedestrian crosswalk or intersecting sidewalk;
 - (3) Abutting any building without permission of such building owner;
 - (4) So as to leave less than five (5) feet of space available for pedestrian traffic; or
 - (5) Which is constructed of granite, brick, or marble.
- (h) Pushcarts must abide by all of the applicable restrictions provided in Section 573.13.
 - (i) Pushcarts shall be positioned on sidewalks as near as possible to the curb.
 - (j) Subsection (i) shall not apply during a parade as defined in Chapter 2111, or a race event as defined in Chapter 924. Pushcarts located on any sidewalk along the route of a parade or a race event shall not be located adjacent to the curb but shall be positioned as close as possible to the sidewalk boundary opposite the curb while such parade or race event is in progress.

573.1391 Authority to Enforce

- (a) The Director of Public Safety, or designee, including Columbus Division of Police sworn on-duty and special duty officers, the Director of the Licensing Section, or designee, the Director of Public Service, Code Enforcement Officers, or designee, shall have the authority to enforce the provisions of this Chapter in accordance with authority established under Columbus City Codes.
- (b) As prima facie proof of compliance with the provisions of this Chapter, an owner or operator may provide documentation of a general or designated right of way permit or a reservation via an electronic device, such as a mobile phone or tablet, to any person defined in CC 573.1391(a). Upon a request for further verification, an owner or operator shall provide physical documentation of such permit or reservation.

573.14 Electronic reservation system, establishment.

- (a) The director of public safety or designee shall establish a proprietary or third-party contracted electronic reservation system to allow a licensed mobile food vending unit owner or operator online access to reserve a-the designated mobile food vending locations and to obtain the general-designated public right of way access permit established required by in Sections CC 573.131(a), 573.132-573.133-573.134, and 573.137.
- (b) The director of public safety or designee shall establish a proprietary or third-party contracted electronic reservation system to allow a licensed mobile food vending unit owner or operator online access to obtain the general or temporary commercial public right of way access permit required by CC 573.131(a).
- (c) The electronic reservation system shall provide the means to reserve a specific designated mobile food vending location for a specific duration of time and date. Any owner or operator's right to the physical occupancy for the reserved location shall terminate upon the expiration of the reserved time and date.
- (~~b~~d) Reservations must be made by a mobile food vending unit licensed to operate in the public right of way.
- (~~e~~e) Reservations shall not be transferable, assignable or otherwise used by an owner or operator for any mobile food vending unit other than the mobile food vending unit issued the reservation.

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- (f) The Director of Public Safety, including Columbus Division of Police sworn on-duty and special duty officers, the Licensing Section, the Director of Public Service, Code Enforcement Officers, or designee shall have the authority to access the electronic reservation system in order to verify compliance with the requirements of this Chapter.
- (dg) The director of public safety or designee, in consultation with the director of public service and the Mobile Food Vending Advisory Board, shall promulgate rules regarding the permitted use of and access to the electronic reservation system, and the potential penalties for violation of such rules. Any rules that contain information related to electronic reservation system shall be provided to a Mobile Food Vending license applicant and made publically available on the License Section's website.

573.141 Electronic reservation system, fees.

- (a) No fee shall be required for access to the reservation system established in Section 573.14, other than fees associated with the reservation of a general or designated public right of way access permit. or a general public right of way access permit.
- (b) The director of public safety or designee, in consultation with the director of public service or designee, shall establish reservation fees for each location for designated vending for a public right of way access permit based on the zone and designated location for which the permit is issued. Such fees may provide for hourly, daily, or weekly reservations.
- (c) ~~The director of public safety or designee, in consultation with the director of public service or designee, shall establish reservation fees for a general public right of way access permits based on the zone for which the permit is issued. Such fees may provide for daily, weekly, or monthly reservations.~~
- (dc) The director of public safety or designee may allocate, by rule, a portion of each reservation fee under subsection (b) and (c) to one (1) or more organizations in eCongestion zones to defray the costs associated with operations or programs that benefit the public right of way. Such organizations receiving a portion of the fee can include nonprofit corporations, local or area chambers of commerce or similar business advocacy organization, established civic or neighborhood advocacy group, or similar organization, and such organizations must dedicate these monies to benefit the public right-of-way through maintenance, beautification efforts, public safety initiatives, or similar operations or programming. The organizations receiving any portion of the fee, as well as the percentage of the fee itself, shall be determined by the director of public safety or designee, with the concurrence of council by ordinance.
- (ed) The remainder of the proceeds from reservations for designated public right of way access permits and general public right of way access permits, less any contractual or administrative costs for the operation and maintenance of the electronic reservation system, shall accrue to the Licensing Section department of public service.
- (fe) The License Section shall establish policies and procedures necessary to reimburse the department of public service for amounts established in subsection (e), and to disburse to each applicable organization the amounts established in subsection (d). Such reimbursement and disbursement must take place at regular intervals, at least four (4) times per calendar year.

Note(s) ~~In order to allow time to prepare for the implementation of requirements set forth in Section 573.141~~Note(s) ~~, the City finds it necessary to suspend the application of said~~

~~section. Section 573.141 Note(s) — as provided for in the ordinance from which it is derived shall remain in effect until October 1, 2014.~~

573.16 Mobile food vending advisory board.

There is created a Mobile Food Unit Advisory Board, which shall consist of ~~seventeen~~ fifteen (15) members as follows:

- (a) The city of Columbus representatives shall consist of:
 - (1) A representative from the department of public safety, appointed by the Director of Public Safety;
 - (2) A representative from the department of public service, appointed by the Director of Public Service; and
 - (3) A representative from Columbus City Council, appointed by the Council President.
 - (4) A representative from Columbus Division of Fire, appointed by the Director of Public Safety;
 - (5) A representative from Columbus Department of Health, appointed by the Columbus Health Commissioner
- (b) The appointed members shall consist of the following, appointed by the Director of Public Safety; ~~the mayor and approved by ordinance of council~~:
 - (1) A representative from the Columbus tourism industry;
 - (2) Two (2) representatives from the Columbus community that are not otherwise represented on the Mobile Food Vending Advisory Board;
 - (3) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas north of 670 in the city of Columbus;
 - (4) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas south of 670 in the city of Columbus; and
 - (5) A representative from a city of Columbus restaurant.
- ~~(c) Elected members shall consist of:~~
 - ~~(46)~~ Two (2) representatives from the Columbus food truck industry who operate in the public right of way;
 - ~~(27)~~ Two (2) representatives from the Columbus food truck industry who operate only on private property; and
 - ~~(38)~~ Two (2) representatives from pushcarts.
- ~~(d)~~ The representative from the department of public safety shall serve as chairperson of the board. In his or her absence, the representative from the department of public service shall serve as chairperson.

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- (e) ~~No person may be appointed to the board if he or she has any financial interest in the mobile food vending industry. This shall not limit those members elected to the board.~~

~~573.161 Licensed public right-of-way food truck industry representatives.~~

- (a) ~~The director of public safety shall conduct an election among the licensed food truck industry for the public right-of-way food truck industry representatives. Licensed food truck owners who only operate on private property shall not be eligible to vote on the public right-of-way food truck industry representative or to serve as the public right-of-way food truck industry representative.~~
- (b) ~~Nominations will be by petition bearing the name of the licensed public right-of-way food truck industry owner and the signatures of not less than five (5) percent of the licensed public right-of-way food truck owners.~~
- (c) ~~Each licensed public right-of-way food truck industry owner will be allowed two (2) votes, to be cast in person, according to such rules and procedures as the director shall establish.~~
- (d) ~~The election shall be conducted and the candidates shall be notified of the results. The public right-of-way food truck industry owners that receive the highest two (2) vote totals shall be selected as the public right-of-way food truck industry representatives.~~
- (e) ~~If no petitions are received bearing the valid signatures of at least five (5) percent of the licensed public right-of-way food truck industry owners, the shall, subject to appointment by the mayor, select the public right-of-way food truck industry representatives from among the licensed public right-of-way food truck industry.~~
- (f) ~~In the event of a tie vote, the mayor shall select which of those tied shall serve on the board.~~

~~573.162 Licensed private property food truck industry representatives.~~

- (a) ~~The director shall conduct an election among the licensed food truck industry for the private property food truck industry representatives. Licensed food truck owners who operate in the public right-of-way shall not be eligible to vote on the private property food truck industry representative or to serve as the private property food truck industry representative.~~
- (b) ~~Nominations will be by petition bearing the name of the licensed private property food truck industry owner and the signatures of not less than five (5) percent of the licensed private property food truck owners.~~
- (c) ~~Each licensed private property food truck industry owner will be allowed two (2) votes, to be cast in person, according to such rules and procedures as the director shall establish.~~
- (d) ~~The election shall be conducted and the candidates shall be notified of the results. The private property food truck industry owners that receive the highest two (2) vote totals shall be selected as the private property food truck industry representatives.~~
- (e) ~~If no petitions are received bearing the valid signatures of at least five (5) percent of the licensed private property food truck industry owners, the board shall, subject to appointment by the mayor, select the private property food truck industry representatives from among the licensed public right-of-way food truck industry.~~
- (f) ~~In the event of a tie vote, the mayor shall select which of those tied shall serve on the board.~~

573.163 Licensed pusheart representatives.

- ~~(a) The director shall conduct an election among the licensed pusheart industry for the pusheart representatives~~
- ~~(b) Nominations will be by petition bearing the name of the licensed pusheart owner and the signatures of not less than five (5) percent of the licensed pusheart owners.~~
- ~~(c) Each licensed pusheart owner will be allowed two (2) votes, to be cast in person, according to such rules and procedures as the director shall establish.~~
- ~~(d) The election shall be conducted and the candidates shall be notified of the results. The pusheart owners that receive the highest two (2) vote totals shall be selected as the pusheart representatives.~~
- ~~(e) If no petitions are received bearing the valid signatures of at least five (5) percent of the licensed public right of way food truck industry owners, the shall, subject to appointment by the mayor, select the pusheart representatives from among the licensed pushearts.~~
- ~~(f) In the event of a tie vote, the mayor shall select which of those tied shall serve on the board.~~

573.164 Notification of board member selections.

~~Notice of the selection of board members shall be given to the director of public safety as follows:~~

- ~~(a) The License Section shall submit the names of elected representatives by means of a letter;~~
- ~~(b) The mayor shall submit the names of the six (6) members which were appointed as provided in Section 573.16 by means of a letter; and~~
- ~~(c) The mayor shall announce his tie-breaking selection if necessary as provided in Sections 573.161, 573.162, and 573.163.~~

573.165 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 have the authority and power to advise on rules and regulations governing the following:
 - ~~(1) The mobile food vending unit size, description, requirements, and prohibited equipment;~~
 - ~~(2) Adding, removing, amending, or otherwise altering congestion and commercial zones;~~
 - ~~(3) The limitation of reservations in congestion and commercial zones;~~
 - ~~(4) The creation of designated mobile food vending locations;~~~~

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- (5) The creation of mobile food vending courts;
 - (6) The electronic reservation system and reservation fees for use of the electronic reservation system;
 - (7) The designation of a parking space as unavailable for mobile food vending; or
 - (8) 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 ~~designated~~ 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) Establish by rule a uniform process to solicit input regarding the aforementioned from at least one (1) affected business association, area commission, special improvement district or similar organization impacted by such review, and to consider objections to the aforementioned; and
 - (3) Forward its written recommendations on the same to the director of public safety or designee, and the director of public service, 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 ~~shall receive and review~~, 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.

573.167 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 573;
 - (3) Fails to attend three (3) successive ~~monthly~~ meetings of the board; or
 - (4) Fails to attend four (4) ~~monthly~~ meetings of the board during the term of office.
- (b) If a vacancy occurs, the Director of Public Safety 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.
- ~~(b) If a vacancy of elected members is declared, the chair shall notify the appropriate classes of owners within fifteen (15) days. The appropriate class of owners shall have thirty (30) days after receipt of such notice to select a new board member pursuant to Sections 573.161, 573.162 and 573.163. However, if the vacancy occurs between September 1 and December 31, the elected member vacancy shall be filled by the board. The newly elected or appointed member shall serve the remaining unexpired term.~~
- ~~(c) If a vacancy of a member appointed by the mayor is declared, the chair shall notify the Director the mayor within fifteen (15) days. The Director mayor shall appoint a new board member pursuant to Section 573.16 within thirty (30) days of the receipt of the notice. The newly elected or appointed member shall serve the remaining unexpired term.~~

573.168 Meetings; hearings; voting quorums.

- (a) The board shall meet at least once every quarter month, at a time and place designated by the Chair ~~board~~. 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 shall each have voting rights, with each member having a single vote. will be voting members. Eight (8) A majority of members of the board present at a meeting shall constitute a quorum for the transaction of business. and a A majority vote of those members present at the annual review public meeting shall be necessary to recommend any changes to zones, 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.

573.99 - Penalties.

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

- (a) Whoever violates ~~Section~~ CC 573.02(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 C.C.C. 2301.23.
- (b) Whoever violates any of the following sections shall be guilty of a minor misdemeanor: ~~[Subsections] CC 537.13(a)(1), (a)(2), (a)(3), (b)(1), (b)(2), (b)(3), or (b)(4),~~ CC 573.131(a) or (b),

CC 573.132(d) or (e), 573.133(b), CC 573.135(a), 573.136(b), 537.137. Strict liability is intended to be imposed for a violation of these sections. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.

(c) A violation of any ~~other~~ section of Chapter 573 may be grounds for the suspension, revocation or permanent revocation of the ~~MFV~~ Mobile Food Vending unit license or in the case of a new application may be grounds to refuse to issue such license 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 Columbus City Codes.