



Legislation Text

File #: 0773-2014, Version: 1

BACKGROUND: This ordinance enacts new Columbus City Code Chapter 573 and repeals the existing version of Chapter 573, which currently regulates pushcarts. The newly enacted code will regulate all mobile food vendors such as food trucks, food trailers and pushcarts.

In November 2012, City Council was approached about developing regulations for food trucks and other mobile food vendors. The specific request was to permit mobile food vendors to operate in and sell from the public right of way. Currently, Chapter 573 permits pushcarts to operate on public sidewalks; however, C.C.C. §2151.16 of the Traffic Code restricts commercial sales from the public streets to no more than 15 minutes. While this can accommodate vendors such as ice cream trucks, the 15 minute limit makes it effectively impossible for other mobile food vendors to operate from the public streets.

The primary goals of this effort were to support a growing industry, bring mobile food vendors into the fabric of our city and update the code so that it can meet the needs of today's mobile food industry, all while preserving public health and safety. The food truck industry is growing in Columbus and across the nation. Columbus is becoming a food destination. In addition to current and prospective food truck owners wanting to be able to sell from the public streets, there is demand for greater access to food trucks from residents and tourists.

All mobile food vendors are already inspected and licensed by the Health Department. Chapter 523, titled "Commercial Sales," regulates commercial sales on private property and in the public right of way. Mobile food vendors that are not pushcarts were required to be licensed under Chapter 523. Pushcarts were already regulated by the current Chapter 573.

This proposed code will replace the existing pushcart code and replace the requirement for mobile food vendors to be licensed under Chapter 523. The code will provide comprehensive regulations for all mobile food vendors, including pushcarts, food trucks, food trailers and pedi-food carts. The code will require the licensing and inspection all mobile food vendors operating on private property and in the public right of way by the Safety Department. The code will allow mobile food vendors to sell from the public right of way, regulate how they operate and streamline the application and licensing process. Representatives from City Council, the Department of Public Safety, the Department of Public Service, Columbus Public Health and the City Attorney's office were consistently consulted as the code was drafted and finalized.

This was a comprehensive effort that involved the development and implementation of a pilot program as well as many external and internal meetings and discussions, public hearings and presentations to community groups. From 2012 to present, some highlights include:

- Fall 2012 Informal discussions being
- Dec. 2012 1st stakeholders meeting
- Early 2013 Internal and external meetings
- May 2013 2nd stakeholders meeting
- Public hearing on the pilot program
- June 2013 Pilot program begins
- 3rd stakeholders meeting
- Fall 2013 Discussions and meetings re: permanent legislation
- Dec. 2013 4th stakeholders meeting; present program framework
- Pilot program ends
- Feb. 2014 5th stakeholders meeting; present draft code
- Public hearing on draft code

- Mar. 2014 6th stakeholders meeting

Throughout this process, the City has worked with stakeholders of the mobile food vending industry, the restaurant industry, community organizations, neighborhood groups and business organizations to devise clear and fair regulations that support public health and safety, economic growth and the vibrancy of our city. This ordinance will help our mobile food vending industry more fully integrate into the fabric of our city and food-scene, and have greater access to their customers.

In addition to enacting new Chapter 573, this ordinance amends Section 523.03 of the Columbus City Code to exempt mobile food vendors licensed under Chapter 573 from Chapter 523. The ordinance will also amend Section 2151.16 of the Columbus City Code to exempt those licensed under Chapters 523 and 573, so that those licensees are not restricted by the 15 minute limitation.

Following consideration of this legislation, three additional items will be presented to Council relating to the mobile food vending code. First, an ordinance creating code for the temporary commercial zone permit will be considered. Second, an ordinance including a map to establish the congestion, commercial and non-commercial zones will be considered. Last, temporary appointments will be made to the Mobile Food Vending Advisory Board, with formal appointments and elections for voted-members to take place at the end of 2014.

The application of certain provisions of this code will be suspended temporarily for the following purposes:

- Sections 573.132 and 573.134 will be suspended to allow time for the identification and designation of mobile food vending only parking spaces and mobile food vending courts, and for the establishment of congestion zones
- Section 573.133(a) will be suspended to allow time for the establishment of commercial zones
- Sections 573.141 will be suspended to allow time for the development of a reservation system
- Sections 573.161, 573.162, 573.163 and 573.164(b) will be suspended to allow time to identify and appoint people to serve as representatives on the Mobile Food Vending Advisory Board

FISCAL IMPACT: None

To establish comprehensive City regulations pertaining to mobile food vending through the enactment of new Chapter 573 of the Columbus City Code; to repeal the existing version of Chapter 573 of the Columbus City Code; to suspend the application of Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) of the Columbus City Code; to amend Section 523.03 of the Columbus City Code to exempt mobile food vendors licensed under Chapter 573 from Chapter 523; and to amend Section 2151.16 of the Columbus City Code to exempt those licensed under Chapters 523 and 573.

WHEREAS, the mobile food vending industry in Columbus is a growing and in-demand industry; and

WHEREAS, while current Chapter 573 regulates pushcart operations and Chapter 523 regulates commercials sales in the city of Columbus, there is a need to establish comprehensive and specific regulations for mobile food vending; and

WHEREAS, this code establishes regulations for mobile food vending that preserve public health and safety while meeting the needs of today's mobile food vending industry; and

WHEREAS, these regulations will require the licensing and inspection all mobile food vendors operating on private property and in the public right of way by the Department of Public Safety; and

WHEREAS, it will also allow mobile food vendors to sell from the public right of way, regulate how mobile food vendors operate and streamline the application and licensing process; and

WHEREAS, this code will also support economic development and tourism in Columbus; and

WHEREAS, it is necessary to suspend the application of Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) in order to allow time to prepare for the implementation of requirements set forth in those sections; and

WHEREAS, this ordinance establishes language and authorizes the amendment of Chapters 573, 523, and 2151 of the Columbus City Code for the above-described purpose; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 573 of the Columbus City Code is hereby amended through the enactment of new Chapter 573 to read as follows:

See attached file: “Chapter 573 - Mobile Food Vending”

SECTION 2. That existing Chapter 573 of the Columbus City Code is hereby repealed.

SECTION 3. That Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) of the Columbus City Code are hereby suspended and shall not apply for a limited duration as set forth in this ordinance.

SECTION 4. That Section 523.03 of the Columbus City Code is hereby amended to read as follows:

523.03 Exemptions.

The following types of organizations and individuals selling goods, wares, merchandise, food or drink for human consumption, services or any other commodity on their behalf are not required to obtain a commercial sales promoter license under this section:

- (a) State and local governmental departments, agencies and subdivisions, including public schools;
- (b) State accredited private schools and academies;
- (c) Civic, patriotic, religious and political groups, recreational, fraternal or cultural organizations;
- (d) Special events as defined in Section 523.01(i);
- (e) Any organization's bona fide officer or employee that holds a valid charitable solicitation license pursuant to CCC 525.03;
- (f) A person who does not go place to place, ~~and~~ who sells items they grow, raise or manufacture, and who sells such items on private property. However, this person must be able to prove, preferably in writing, that they have permission from the property owner to sell; and
- (g) A mobile food vendor who possess a current and valid mobile food vending license pursuant to CCC 537.

Any license officer or law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption. The above organizations or individuals shall otherwise comply with all applicable requirements of Columbus City Code 525 and any state or federal regulations.

SECTION 5. That Section 2151.16 of the Columbus City Code is hereby amended to read as follows:

2151.16 Parking limited while offering materials for sale.

(a) Except as provide for in Chapters 523 and 573 of the Columbus City Codes, ~~No~~ no person shall park or stand any vehicle from which anything is offered for sale on any street for a period exceeding fifteen (15) minutes, except when special permission of the safety director has been granted.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150

SECTION 6. That the suspension of Sections 573.132, 573.133(a), 573.134, 573.141 as provided for in this ordinance shall remain in effect until October 1, 2014.

SECTION 7. That the suspension of Sections 573.161, 573.162, 573.163 and 573.164(b) as provided for in this ordinance shall remain in effect until May 15, 2014.

SECTION 8. That the Director of Public Safety shall provide written notice to all city agencies that Sections 573.132, 573.133(a), 573.134, 573.141, 573.161, 573.162, 573.163 and 573.164(b) have been suspended as provided for in this ordinance.

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.