

SECOND AMENDED ORDINANCE 44-11

By: Jed Morison

An Ordinance authorizing the retail sale of food items from mobile, non-permanent, food carts.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.** Notwithstanding all other City of Bexley, Ohio Ordinances, and in compliance with the regulations set forth below, the retail sale of food from mobile, non-permanent, food carts shall be allowed within the City of Bexley, Ohio.

**Section 2.** Bexley City Ordinance 832, Peddlers and Solicitors shall be amended by adding the following:

**Bexley City Ordinance 832.04:**

(a) No person shall be permitted to sell retail food items from a mobile, non-permanent cart, except as set forth in this Ordinance.

(1) No person shall operate a said business without first obtaining a permit from the City of Bexley, Ohio. ~~The fees for such permit from the City of Bexley shall be determined by City Council,~~ which upon its discretion shall set the fees dependent upon the hours of operation of said cart.

Deleted: and a permit from the Fire Department of the City of Columbus

(2) No person shall operate said business unless it is in compliance with all regulations for the sale of food as provided in Section 820 of the Codes of the City of Bexley, and the Revised Code of Ohio.

(3) No persons shall operate said business on public property within the City of Bexley, Ohio. The hours of operation shall be determined by City Council.

(4) No person shall be permitted to sell any alcoholic beverages from mobile or non-permanent food carts.

**Deleted:** <#>Bexley City Ordinance 823.09; forbidding said business within 500 feet of any school shall remain in effect, unless said business receives written permission from an authorized representative of the Bexley City Schools to do otherwise.¶

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(5) No pushcart shall be left unattended on a public right-of-way for longer than thirty (30) minutes.

**Deleted:** <#>No person shall operate said business unless in compliance with Pushcart Standards and Operations as set forth by the City of Columbus Department of Public Safety and stated as follows.¶

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(6) Pushcart owners shall be responsible for the cleaning and repair of any public right-of-way soiled, stained, or damaged by the placement and operation of their pushcarts. Such cleaning or repair shall be done in such a manner so as to return the area to its original state, and shall be at the expense of the pushcart owner. The License Section may conduct an inspection of any such areas to determine if the repair or cleaning is satisfactory.

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(7) Pushcarts are prohibited from operating on any public right-of-way where public safety is jeopardized.

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(a) Any pushcart found to cause consistent, justified complaints from the general public in the area where operating, shall be prohibited from operating in that area. This shall include, but not be limited to failing to maintain a clean working area, damaging sidewalks or buildings with foodstuff and wrappers, spilling of grease on the sidewalk, or failing to respect the rights of building occupants.

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(b) Propane tanks on pushcarts shall not be changed while resting on any public right-of-way.

**Deleted:** <#>Pushcarts with propane tanks are prohibited from operating under any skywalk or roof extended over a sidewalk from a building.¶

(c) No pushcart shall be placed within ten (10) feet of any fire hydrant.

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6. Pushcart Standards as follows will apply and be enforced:

- (a) Generators on pushcarts powered by gasoline are prohibited. Only generators powered by propane are acceptable. Generators shall not be placed on the ground, or placed so as to extend the allowable dimensions of the cart.
- (b) The braking mechanism on a pushcart shall be affixed in such a manner that it is not readily removable. The use of ropes and chocks as the sole braking mechanism is prohibited.
- (c) Unsecured weather guards on pushcarts are prohibited. Weather guards shall be included as part of the allowable measurements of the cart.

(d) With the exception of merchandise or food items to be sold, pushcarts presented for inspection shall be exactly as they will appear when operating on a public right-of-way or private property, including any food rack.

(e) No modification even if such modification does not violate measurement requirements, shall be made to a pushcart that violates any health or safety regulation or law.

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(f) Umbrellas, canopies, or other covers used on pushcarts shall be clean and well maintained, with no holes or tears. Pushcart owners shall have ninety (90) days to comply with this requirement where it is necessary to replace the umbrella or canopy. Pushcart owners shall have a period of five (5) days to comply with this requirement where it is necessary only to repair or clean an umbrella or canopy. These time frames shall not apply where holes, tears, and cleanliness are found to be a violation of the Health code.

Deleted: In these cases, pushcart owners shall comply as ordered by the Health Department.

(g) Pushcarts shall be maintained in such a manner that prevents the spilling or splattering of grease, water, food, or trash on any public right-of-way or private property, where the cart is placed.

(h) A three foot by five foot (3' x 5'), National Sanitation Foundation (NSF) approved mat shall be used with pushcarts from which foodstuff is sold. The mat shall be placed flush with the pushcart beneath the food preparation area in such a manner to prevent any foodstuff or grease spillage.

Deleted: <#>Unsecured menu boards are prohibited on pushcarts. The measurements of the menu board shall be included as part of the allowable size of the pushcart.

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(i) Pushcarts shall have a clean appearance at all times.

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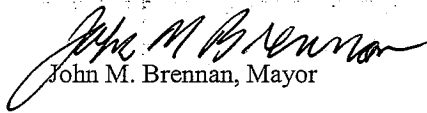
**Section 3.** That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: 12-13, 2011

Attest: [Signature]  
Clerk of Council

[Signature]  
President of Council

Approved: 12-13, 2011

  
John M. Brennan, Mayor

First Reading 10-25-11  
Second Reading 11-7-11  
Third Reading 11-29-11