

RECORD OF ORDINANCES

Ordinance No. 2024-O-02

Passed March 4, 2024
YEAR

VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO ORDINANCE NO.: 2024-O-02

AN ORDINANCE AMENDING SECTIONS 175.04(B) AND 175.07(B) OF TITLE XVIII MUNICIPAL REGULATIONS, CHAPTER 175 BUSINESS REGULATIONS OF THE NORTH FAIRFIELD OHIO BASIC CODE OF ORDINANCES AMENDING TRANSIENT FOOD VENDOR APPLICATION FEE AND DAILY FEE AND DECLARING AN EMERGENCY

WHEREAS, Section 715.24 of the Ohio Revised Code provides that any municipal corporation may regulate, license, or prohibit the selling of goods, merchandise, or medicines on the streets.

WHEREAS, Village Council regulates Transient Food Vendors doing business in the Village beginning with the enactment of Ord. No.: 2021-O-05, passed 04/26/2021; and

WHEREAS, Village council would now like to amend the annual registration fee and the daily fee.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NORTH FAIRFIELD, STATE OF OHIO: (RC 731.18)

SECTION 1: That Section 175.04(B) of Title XVIII Municipal Regulations, Chapter 175 Business Regulations of the North Fairfield Ohio Basic Code of Ordinances is hereby amended as follows:

§ 175.04 ANNUAL REGISTRATION, APPLICATION AND FEE.

(A) Any person, firm, partnership, corporation, or other business desiring to act as a vendor within the village for any calendar year shall complete and submit a registration and application form at the village hall/offices. Such registration and application shall be under oath as to the information contained therein and shall contain the following:

- (1) Name, date of birth, address and telephone number of the person/entity who will own and/or operate the mobile food unit;
- (2) A description of the mobile food unit to be used together with a photograph thereof;
- (3) A description of the nature of the business and the goods or services to be sold;
- (4) The make, model, year and current registration number of the mobile food unit;

(B) The annual registration and application shall be accompanied by a fee in the amount of \$100 1 which shall be non-refundable.

(C) No person shall submit a registration and application containing false or misleading information.

(Ord. 2021-O-05, passed 4-26-2021) Penalty, see § 175.99

SECTION 2: That Section 175.07(B) of Title XVIII Municipal Regulations, Chapter 175 Business Regulations of the North Fairfield Ohio Basic Code of Ordinances is hereby amended as follows:

§ 175.07 MOBILE FOOD UNITS ON PUBLIC PROPERTY.

(A) Permit. No vendor shall operate a mobile food unit on public property without a permit providing for such operations issued by the Safety/Service Director. Said permit shall set forth the location, dates and times operations on public property are permitted.

~~(B)~~ Utilities. In the event a vendor desires to operate a mobile food unit on public property and secure access to electric and/or water utility services from the village, the vendor shall pay a fee of \$35 40 per day for utilities. ~~The fees shall be in addition to the registration fee paid under § 175.04 and shall cover the costs of the use of the public property and the costs of utilities, if~~

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utilized by the vendor.

(C) *Insurance. Any vendor operating a mobile food unit on public property shall, at the time of application, furnish proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the licensee and the village from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license, in an amount of not less than \$1,000,000. Such insurance shall name the village as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the village. (Ord. 2021-0-05, passed 4-26-2021)*

SECTION 3. AMENDMENTS. Amendments herein are indicated with additions appearing in **bold and underline** and deletions appearing in **bold and strikethrough**.

SECTION 4. CODIFICATION. That the Clerk is hereby authorized and directed to submit this legislation upon adoption to the village codification service.

SECTION 5. DISPENSE WITH THREE READINGS. [R.C. 731.17(A)(2)] That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

SECTION 6. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance/Resolution is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

To take effect for Spring 2024

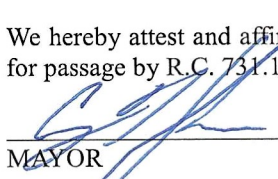
SECTION 7. PUBLIC MEETING. That it is found and determined that all formal actions of this public body concerning or relating to the passage of this Resolution / Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 4 day of March, 2024.

ATTESTATION
(RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

LEGISLATION READINGS
ORC 731.17(A)

(1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 3/4/24 Second Reading: 3/4/24 Third Reading: 3/4/24

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ROLL CALL VOTE ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

yes
Adam Rouse

yes
Sharleen Coy

yes
Jeremy Ansel

yes
Cody Hacker

yes
Trevor Arnold

yes
Joshua Radcliffe

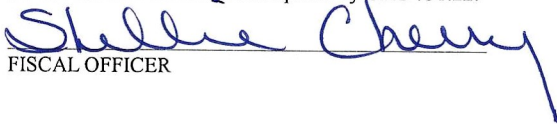
PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:


VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF PUBLICATION ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**

The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.


FISCAL OFFICER