

**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**

POLICY NO. 27

SUBJECT: MOBILE FOOD VEHICLE PERMITS

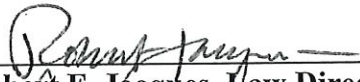
DATE: APRIL 7, 2020

RECOMMENDED BY:



Jennifer S. Wilder, Director of Personnel and Properties

CONCURRED BY:



Robert E. Jacques, Law Director

APPROVED BY:



Norbert S. Klopsch, City Manager

POLICY: This document sets forth the City's policy (this "Policy") as to the process for receiving, reviewing, approving, denying, and issuing permits for the operation of Mobile Food Vehicles in the city.

PURPOSE: Mobile Food Vehicles, commonly referred to as "food trucks," are an increasingly popular form of food service for public events. Chapter 729 of the Business Regulations Code sets forth a comprehensive permitting process for these vehicles, and the purpose of this Policy is to identify departments and staff who will have primary responsibility for implementing Chapter 729.

GENERAL PROVISIONS:

Effective this date, a "Mobile Food Vehicle Policy" is hereby established to provide guidance and procedures to city of Oakwood employees and officials that are responsible for administrative actions relating to the permitting of Mobile Food Vehicles in the city.

Employees having responsibilities under this Policy are expected to familiarize themselves with Chapter 729 of the Oakwood Business Regulations Code. The remainder of this Policy sets forth the procedures to be followed in four areas:

1. Applications and Intake;
2. Review Process;
3. Permit Issuance; and
4. Special Situations.

I. APPLICATIONS AND INTAKE

A. Application materials. Applications must be submitted on the required form, a blank copy of which is attached as an appendix to this Policy. Application forms will be made available to the public on the city's website, as well as hard copies that can be picked up at the reception counter in the city's administrative offices. The Receptionist, Personnel & Properties Department Secretary, and City Manager Secretary will be primarily responsible for distributing hard copy forms as well as receiving completed applications. When submitted, applications should contain all of the following:

1. Completed application form;
2. \$10 permit fee payable to the city of Oakwood;
3. Certificates of insurance (public liability, food products, general liability, auto, property);
4. A copy of the current BMV registration for the Mobile Food Vehicle;
5. A Certificate of Incorporation (if the applicant is a corporation, LLC, or similar entity); and
6. A copy of the current driver's license for any person who will be operating the Mobile Food Vehicle in Oakwood.

B. Acceptance/intake of application materials. When receiving applications at the front counter, staff should perform a cursory review to ensure all required submittals are included. If anything is obviously missing, the application and supporting materials should not be accepted. If all required submittals are attached, or it is otherwise not apparent that anything is missing, the application may be accepted. Questions as to the completeness of an application should be directed to the Director of Personnel & Properties or, if that person is unavailable, to the Law Director. Staff should make every effort to resolve these questions while the applicant is still here, to minimize the number of applications rejected for incompleteness.

To streamline the process for "repeat" applicants, applicants may rely on submittals provided in connection with a prior application, in whole or in part. Such applications may appear incomplete, but should be accepted as long as the following conditions are met:

1. The prior application must have been approved, and must have been issued *in the current calendar year*. If the prior application was denied for any reason or was from a prior year, all submittals must be provided with the new application.
2. The applicant is still required to submit a completed application form and permit fee.
3. The applicant is still required to provide any submittals that have changed in any way since the prior application, including anything that may have expired or lapsed since the prior application.

Again, any questions should be directed to the Director of Personnel & Properties or the Law Director, as appropriate, and every effort should be made to resolve these questions promptly to minimize rejections for incompleteness.

All accepted applications should be immediately placed in the internal mailbox for the Director of Personnel & Properties. Payments and all other submittals should remain attached to the application; payments should not be submitted to the Finance Department at this step of the process.

II. REVIEW PROCESS

A. Personnel & Properties Department Review. In the course of daily activities, the Director of Personnel & Properties will be responsible for reviewing Mobile Food Vehicle permit applications according to the following sequence:

1. Verify the completeness of the application. If incomplete in any way, the applicant should be promptly contacted to determine whether they will provide the missing materials or withdraw the application. The Law Director should be consulted on any question as to the validity of a required document, the form of any submittal, the need for additional information, or similar issues.
2. Complete the *CHECKLIST: Mobile Food Vehicle Permits* form (“Review Checklist”), a copy of which is attached as part of the appendix to this Policy.
3. Complete the cover memorandum form (“Cover Memo”), a copy of which is attached as part of the appendix to this Policy.
4. The Cover Memo and Review Checklist should be clipped to the top of the packet, which should then be forwarded to the City Manager for approval.

B. City Manager Review. Upon receipt of a permit packet from the Director of Personnel & Properties, the City Manager will review the packet for final approval according to Section 729.03(B) and (C). If approval (with or without conditions) is warranted, the City Manager will endorse his approval on the Cover Memo with any conditions noted thereon and will return the entire packet to the Director of Personnel & Properties for further processing. If denial is warranted, the City Manager will advise the Law Director and forward the entire packet to him; the Law Director will prepare and issue written notice of denial to the applicant as required by Section 729.03(C).

III. PERMIT ISSUANCE

Upon the City Manager’s approval, the Personnel & Properties Director is responsible for preparing and issuing permits, and for promptly transferring the applicant’s payment to the Finance Department for deposit. A sample permit is attached as part of the appendix to this Policy. The top portion of the permit should be completed and issued to the applicant. The two (2) tear-off portions of the permit should be completed, with one (1)

to be placed in the internal mailbox for the Safety Department and one (1) to be attached to the permit packet and retained in the records of the Personnel & Properties Department. Permits shall be numbered in such a way as to track the year and number of permits issued. For example, permits issued in the year 2019 would be sequentially numbered "19-1," "19-2," "19-3," and so forth.

All applications, submittals, permits, and related materials shall be considered records of the Department of Personnel & Properties, and shall be retained according to the current retention schedule for that department.

IV. SPECIAL SITUATIONS

- A. Multi-Day Events. A multi-day event is an event that occurs once, over a span of not more than three (3) consecutive days. For example, a 3-day festival would be counted as one (1) multi-day event. A 5-day festival would be counted as two (2) multi-day events. Applications and permit fees should be collected and paid accordingly.
- B. Regularly-Recurring Events. A regularly-recurring event is an event that meets ALL of the following:
1. The event occurs on a weekly or monthly basis at a fixed location;
 2. The fixed location is on, or abutting, a street that is closed to vehicular traffic during the event; and
 3. The event is held on the same day, and at generally the same time, each week or month.

All weekly or monthly instances of a regularly-recurring event, within the same calendar year, are taken together and considered a single event.

1. The sponsor of a regularly-recurring event may collect application materials from all vendors that may operate Mobile Food Vehicles at the event during the current calendar year, and may submit those applications on the vendors' behalf. Vendors may also submit application materials on their own behalf.
2. These applications will be reviewed according to the procedures outlined elsewhere in this Policy, except that approved permits will not be issued immediately to the vendors. Instead, the Department of Personnel & Properties will generate a list of approved vendors, and will provide that list to the event sponsor. (Additional applications may be submitted at any time. If approved, the approved vendor list will be updated and a copy provided to the event sponsor.)
3. A single permit fee will be charged for each vendor at the time of application, and that permit fee will cover all instances of the regularly-recurring event in that calendar year.

4. Three (3) permits (or more if the City Manager has authorized additional permits for a particular instance of a regularly-recurring event) will be made available to the event sponsor for each instance of the regularly-recurring event. The Department of Personnel & Properties will be responsible for preparing these permits, which should be ready for the sponsor to pick up not less than one (1) business day prior to that instance of the regularly-recurring event. In lieu of writing a vendor's name on each permit, the permits will only include the name of the event sponsor.
5. The event sponsor will be responsible for:
 - i. Determining which vendors will be present for a given instance of the regularly-recurring event;
 - ii. Distributing permits among those vendors; and
 - iii. Identifying which vendors participated in a given instance of the regularly-recurring event. (That information should be provided to the city in advance of the event, if known, or within three (3) days after a given instance of the regularly-recurring event.) To the extent possible, the Director of Personnel & Properties shall record this information on a spreadsheet or list so the city is able to track vendor participation across all instances of a regularly-recurring event in a particular calendar year.

MEMORANDUM

To: City Manager

Date: _____

RE: MOBILE FOOD VEHICLE PERMIT APPROVAL

Event Address: _____

A Mobile Food Vehicle Permit application is attached and recommended for your approval.

Upon signing, please return to the Director of Personnel & Properties for issuance and file retention.

Jennifer S. Wilder,
Director of Personnel & Properties

Attachment(s): As noted, with supporting
documentation if required



CHECKLIST: Mobile Food Vehicle Permits

	YES	NO
1. Are all application fields completed?	___	___
2. Permit fee paid?	___	___
3. Does the application include all of the following?		
• <u>Insurance</u> : Certificate(s) of insurance (liability, auto, property)	___	___
• <u>Registration</u> : BMV registration for the mobile food vehicle	___	___
• <u>Incorporation</u> : Certificate of incorporation (if Applicant is incorporated)	___	___
• <u>Food Service License</u> : Certificate of Inspection/Food Service License	___	___
• <u>Driver's License(s)</u> : Valid driver's license(s) for all vehicle operator(s)	___	___
4. Is the application submitted in connection with a specific event sponsored or hosted by an Oakwood resident/property owner?	___	___
5. Are the proposed hours of operation between 9:00 a.m. and 9:00 p.m.?	___	___
6. Is the proposed location on a permissible street or other area?	___	___
7. Can permit be issued without causing, contributing to, or exacerbating undesirable traffic or parking congestion?	___	___
8. Can permit be issued without impeding access to public buildings or facilities?	___	___
9. Can permit be issued without interfering with the delivery of governmental and/or emergency services?	___	___

For any NO response above, please note any condition(s) that could be imposed on the permit to eliminate the issue(s):

Number of other permits already issued for same event: _____

(NOTE: Normally, only three (3) permits are available per event on a first-come-first-served basis. If the anticipated crowd size and location can reasonably justify and accommodate additional permits, please indicate the maximum recommended permit availability: _____)

APPLICATION FOR MOBILE FOOD VEHICLE PERMIT
(Ord. 729.01 et seq.)

APPENDIX
(Sample Application)

MUST BE COMPLETED BY THE MOBILE FOOD VEHICLE OPERATOR:

Applicant Name: _____

Business or Food Truck Name: _____

Type of entity: Corporation Partnership S-Corporation LLC Sole Proprietorship

Street address of business: _____

City/State/Zip of business: _____

Telephone No.: _____

Fax No.: _____

Date of submission: _____

Email address: _____

Description of event for which permit is sought:

Name or general nature of event: _____
(Examples: "That Day in May"; graduation party; wedding; block party; etc.)

Name of event sponsor/host: _____
(Must be an Oakwood resident/property owner)

Street address for event: _____

Date of event: _____

Hours/duration of event: _____

Estimated number of participants: _____

By signing this form, I/we acknowledge and agree to the following:

1. This form is required by law and is being submitted to obtain a Mobile Food Vehicle permit;
2. The undersigned is duly authorized to sign this document on behalf of the Applicant;
3. If a permit is granted pursuant to this application, the Applicant shall indemnify and hold the City and its officers and employees harmless for any claims for damage to property or injury to persons which may be occasioned by any activity carried out under terms of the permit; and
4. I/we understand that knowingly making a false statement on this permit application form is a violation of Ohio Revised Code Sec. 2921.13(A), which is a first degree misdemeanor punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

Applicant signature:

Applicant Signature

Printed name AND title, if any

NOTE: ALL INFORMATION CONTAINED IN THIS APPLICATION IS SUBJECT TO DISCLOSURE AS A PUBLIC RECORD

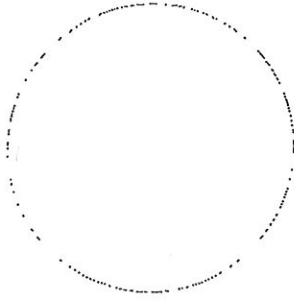
Required attachments:

- \$10 permit fee made payable to the City of Oakwood
- Certificate(s) of insurance (public liability, food products liability, auto, property)
- BMV registration for the mobile food vehicle
- Certificate of incorporation, if any
- Certificate of Inspection/Food Service License for the mobile food vehicle
- Valid driver's license(s) for all vehicle operator(s)

FOR OFFICIAL USE ONLY

Complete application Missing item(s): _____

Approved by: _____ Date: ____/____/____ Permit ____ of ____ for this event



MOBILE FOOD VEHICLE PERMIT

(Ord. 729.01, et seq.)

Permittee: ABC Food Truck, LLC

Valid date: 1 / 1 / 1901

Valid hours: 10am thru 12 pm

Valid location: 1200 Block E. Schantz

PERMIT No. 19-4

NOT VALID UNLESS DISPLAYED (SEE BACK FOR INSTRUCTIONS)

Permittee: ABC Food Truck, LLC

Valid date: 1 / 1 / 1901

Valid hours: 10am thru 12 pm

Valid location: 1200 Block - E. Schantz

PERMIT No. 19-4

(SAFETY DEPT COPY)

Permittee: ABC Food Truck, LLC

Valid date: 1 / 1 / 1901

Valid hours: 10am thru 12 pm

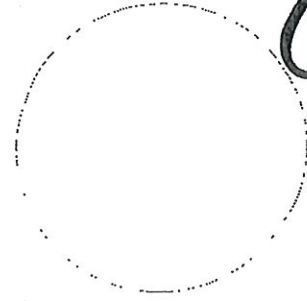
Valid location: 1200 Block E. Schantz

PERMIT No. 19-4

(PROPERTIES DEPT COPY)

APPENDIX

(Sample Permit)



City of Oakwood Mobile Food Vehicle Permit Terms & Conditions

- This permit is valid only for the specified date(s) and time(s).
- This permit is valid for one (1) mobile food vehicle only.
- The permit-holder is responsible for operation in accordance with all applicable laws.
- This permit is non-transferable without written approval of the City Manager.
- This permit must be placed on the mobile food vehicle's dashboard or hung from the rear-view mirror, where it can be readily seen by the public, and must be displayed at all times of permitted operation.