

**City of North Canton**

**NOTICE OF PUBLIC MEETING**

Notice is hereby given that:

The City Council of the City of North Canton shall hold a Committee of the Whole Meeting on Monday, November 21, 2022 at 7:00 PM at North Canton Civic Center 845 W Maple St. North Canton, OH.

See attached agenda for matters to be discussed.

Meetings are open to the public or may be livestreamed on the City of North Canton's YouTube page.

BY THE ORDER OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Nov 15, 2022  
Date

Benjamin R Young  
Clerk

**NORTH CANTON COMMITTEE OF THE WHOLE MEETING**  
**November 21, 2022, 7:00 PM**  
**Agenda**

**1. Call to Order**

**2. Roll Call**

**3. Park and Recreation Committee**

Chairperson: Christina Weyrick

Vice Chairperson: Stephanie Werren

3.a An ordinance establishing Chapter 707, Mobile Food Units, of the Codified Ordinances of the City of North Canton, thereby establishing regulations for the operation of mobile food units in the City of North Canton.

**4. Adjourn**



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** November 21, 2022

**SUBMITTED BY:** Administration

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** Park and Recreation Committee

**SUBJECT:** An ordinance establishing Chapter 707, Mobile Food Units, of the Codified Ordinances of the City of North Canton, thereby establishing regulations for the operation of mobile food units in the City of North Canton.

**DESCRIPTION:** The proposed ordinance is a new code provision that would enact two regulations related to mobile food units (Food Trucks).

1. Mobile food units wishing to operate in the City must register with and be inspected by the North Canton Fire Department on an annual basis. This is already required by the fire code and the ordinance merely establishes a more formal process and a fee to compensate the City for the inspector's time.
2. Mobile food units would be permitted to operate in Price and Dogwood parks in a limited capacity. The Administration would designate specific parking spaces for MFUs which would be filled on a first come first serve basis. To operate in the parks MFUs must obtain a permit and have completed their annual registration with NCFD.

**ATTACHMENTS:**

[Ord. -2022 Mobile Food Unit Regulations.docx](#)

North Canton City Council  
Parks and Recreation Committee

ORDINANCE ## - 2022

An ordinance establishing Chapter 707, Mobile Food Units, of the Codified Ordinances of the City of North Canton, thereby establishing regulations for the operation of mobile food units in the City of North Canton.

WHEREAS, the City of North Canton wishes to establish a more formal process for the inspection of mobile food units for compliance with the Ohio Fire Code; and

WHEREAS, the City also wishes to permit the operation of mobile food units in City park areas in a limited capacity in order to enhance the attraction and enjoyment of parks for City residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That there be, and is hereby, established Chapter 707, Mobile Food Units, of the Codified Ordinances of the City of North Canton as attached hereto and incorporated herein as "Exhibit A" establishing regulations for the operation of mobile food units in the City of North Canton, Ohio

Section 2. That the Clerk of Council and Mayor of the City of North Canton be, and are hereby, authorized to make such amendments as may be needed to the Codified Ordinances of the City of North Canton to accurately reflect this ordinance upon approval of such amended pages by a voice vote of Council.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

## CHAPTER 707 – MOBILE FOOD UNITS

### SECTION 707.01 PURPOSE

The purpose of this Chapter is to ensure the safe and sanitary operation of Mobile Food Units within the City of North Canton and to permit the operation of mobile food units on public property under appropriate circumstances.

### SECTION 707.02 DEFINITIONS

(a) "Mobile Food Unit" or "MFU" means any apparatus or equipment that is used to cook, prepare, or serve food, and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts. Examples include but are not limited to food trucks, ice cream trucks, and food carts.

(b) "NCFD" means the City of North Canton Fire Department.

### SECTION 707.03 REGISTRATION; CERTIFICATE ISSUANCE AND TERM

(a) On and after January 1, 2023, no owner, agent, or person in charge of any MFU shall operate said MFU within the City of North Canton unless the MFU has been registered with the City, been inspected by the NCFD for compliance with Ohio Fire Code Section 320 and received a registration certificate which certificate has not expired, been revoked, or otherwise become null and void.

(b) Upon application for a registration required by the provisions of this Chapter the owner of any MFU shall provide on forms supplied by NCFD the following:

- (1) The name under which the MFU conducts business and number of years in operation;
- (2) The nature and type of MFU;
- (3) Name, address, and contact information for the MFU's owner;
- (4) Name and contact information for the MFU's operator if other than the owner;
- (5) Indication if the MFU uses commercial cooking equipment;
- (6) Indication if the MFU uses liquefied petroleum gas (LP-Gas); and
- (7) License plate number if applicable.

(c) Upon the filing of an application and the payment of the associated application fee, NCFD shall cause a general inspection of the MFU to ensure compliance with Section 320 of the Ohio Fire Code.

- (1) Applicants must bring the MFU to North Canton Fire Station 1 for inspection during normal business hours.
- (2) Upon successful completion of an inspection, a registration certificate shall be issued to the applicant within ten (10) business days.
- (3) During the term of a previously issued registration certificate, the certificate may be revoked by the Chief of Fire and EMS if the certified MFU receives a citation from NCFD for violations of the Ohio Fire Code.
  - (A) Whenever the certificate is revoked pursuant to Section 703.05(b)(5), NCFD shall cause notice of such revocation to be sent to the applicant by first-class mail at least seven (7) days prior to the revocation taking effect.
  - (B) A new certificate shall be applied for not more than thirty (30) days after notice of such revocation.
- (4) NCFD shall always retain the authority to order an MFU to immediately cease operation due to conditions and/or violations of the Ohio Fire Code that may put human health and safety at risk, regardless of registration status.

(d) All registration certificates shall be issued for the calendar year, i.e. January 1 through December 31, and will expire at the end of the calendar year in which the registration was issued.

(e) In the event there is a change in ownership of record or operator of record of the MFU as shown on the registration, the owner shall notify NCFD, in writing, within thirty (30) days from such change, giving the name and contact information of the new owner or operator. Failure to so notify NCFD within the specified time shall constitute a violation of this Chapter and will require the new owner or operator to apply for a new registration certificate.

(f) The owner or operator of an MFU shall retain and furnish to City officials upon request a copy of the registration certificate for the MFU.

#### SECTION 707.04 OPERATION OF MFUS IN CITY PARKS

(a) No person or persons shall operate any Mobile Food Units in and upon any City park areas except MFUs lawfully registered and permitted pursuant to this Section.

(b) The Director of Administration may designate up to three (3) parking spots in Price Park and up to two (2) parking spots in Dogwood Park for the operation of MFUs in said park from April through September inclusive, during the hours of 10:00 AM to 7:00 PM.

(1) MFUs may operate only in the designated parking spots unless otherwise expressly authorized by the Director of Administration.

(c) Upon application for a permit to operate in City park areas the owner or operator of the MFU shall provide on forms supplied by the City the following:

- (1) Name under which the MFU conducts business;
- (2) The MFU's registration number with NCFD; and
- (3) Name and contact information for the MFU's operator or another person in charge who will be present during operation.

(d) Upon the filing of an application and the payment of the associated application fee the City shall issue a permit for operation in City park areas provided all requirements of the application have been met.

- (1) No MFU shall be issued a permit to operate in City park areas unless registered with NCFD pursuant to Section 707.03.
- (2) Permits shall be valid for the calendar year and will expire at the end of the calendar year in which the permit was issued.
- (3) Permitted MFUs may operate only during the dates and times authorized by Section 707.04(b).
- (4) Violation of any local or state law may result in the revocation of the permit.
- (5) The operator of the MFU shall have with them a copy of the permit for operation while operating in City park areas and shall furnish such permit upon request by a City official.

#### SECTION 707.05 FEES

(a) For registration with the NCFD under Section 707.03 there shall be an annual Mobile Food Unit registration fee of twenty-five dollars (\$25.00). Such fees collected shall be used for the benefit of the North Canton Fire Prevention Bureau.

(b) For a permit to operate an MFU in City park areas under Section 707.04 there shall be an additional fee of one hundred dollars (\$100.00). Such fees collected shall be used for the benefit of the North Canton Parks system.

#### SECTION 707.99 PENALTIES

(a) Whosoever violates Section 707.03 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).

(b) Whosoever violates Section 707.04(a) is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).

(c) MFUs permitted under Section 707.04 found operating in violation of any provision of Section 707.04(b), (c), or (d) shall be subject to the following penalties:

- (1) First offense – Suspension of permit to operate in City park areas for a period of thirty (30) days.
- (2) Second offense – Revocation of permit to operate in City park areas for the remainder of the calendar year.
- (3) Third offense – Disqualification from the ability to receive a permit for the next calendar year.

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