



RESOLUTION PZ-26-03

MOVE TO ADOPT, BASED ON THE RECOMMENDATION OF TJ KEIRAN, DIRECTOR OF PLANNING AND ZONING, A RESOLUTION REQUIRING REGISTRATION AND REGULATING MOBILE FOOD UNITS BY ENSURING CONSISTENCY WITH R.C. SECTION 3717.01, RETAIL FOOD ESTABLISHMENTS, INCLUDING SETTING FEES AND PROVIDING ADMINISTRATIVE PERMITTING PROCESSES.

At a duly held meeting of the Board of Trustees of Boardman Township, Mahoning County, Ohio held on TUESDAY, March 10, 2026, at 5:30 P.M. at 8299 Market Street, Boardman, Ohio the following Resolution was adopted:

WHEREAS, in Boardman Township, regulating Mobile Food Units has been conducted as part of Home Rule Resolution 24-08-26-05, RESOLUTION PURSUANT TO R.C. 505.94 REQUIRING REGISTRATION AND REGULATING TRANSIENT VENDORS; and,

WHEREAS, regulating Mobile Food Units involves the Mahoning County Health Department, the Boardman Township Fire Department and, sometimes, as part of a Special Event Permit, the Boardman Police Department, staff finds regulating Mobile Food Units is more appropriately conducted under authority granted in R.C. Section 3717.01, RETAIL FOOD ESTABLISHMENTS, and proposes establishing fees and administrative permitting processes separate from the Transient Vendor regulations.

NOW THEREFORE, BE IT RESOLVED:

SECTION 1. DEFINITIONS

- A. "Board" means the Board of Trustees of Boardman Township, Mahoning County, Ohio.
- B. "Township" means the unincorporated area of Boardman Township, Mahoning County, Ohio.
- C. "Mobile Food Unit" 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.

SECTION 2. REGISTRATION

- A. Subject to the exceptions in Section 3, all operators of Mobile Food Units within the unincorporated territory of the Township shall register with the Township, pay a registration fee as established in item B, below, and obtain a valid registration certificate from the Township before selling food, drinks or merchandise out of a Mobile Food Unit.
- B. The Mobile Food Unit registration fee is established as either:
 - 1. \$200.00 for a six-month registration certificate; and
 - 2. \$400.00 for a one-year (365 days) registration certificate
- C. Application for Mobile Food Unit registration shall be made on the form prescribed in Section 5 must be signed by the property owner (or authorized agent) and may only be submitted by the person requesting to register a Mobile Food Unit in Boardman Township.
- D. The Township shall issue a registration certificate for a Mobile Food Unit whose operator has registered and paid the registration fee. A registration certificate issued by the Township shall include the information prescribed in Section 5(B).

SECTION 3. EXCEPTIONS

Registration of a Mobile Food Unit required by Section 2 shall not apply to any of the following:

- 1. A Mobile Food Unit providing service as part of an activity covered by a Special Event Permit issued by Boardman Township;
- 2. A Mobile Food Unit providing service on a property owned by an established restaurant in support of the restaurant's operation.

SECTION 4. REQUIREMENTS AND PROHIBITIONS

An application for a Mobile Food Unit registration may only be approved and the operation deemed in compliance provided all of the following requirements and/or prohibitions are met:

1. The operator of the Mobile Food Unit has the express written permission of the owner of the property.
2. The Mobile Food Unit is licensed by the Mahoning County Health Department and Boardman Township Fire Department (where applicable).
3. A Mobile Food Unit is not allowed on a property located within a Residential Zoning District. A Mobile Food Unit may be allowed on a property within a Nonresidential District zoning district, which are: O Office District, GB General Business District, RB Regional Business District, NMB North Market Business District, or I Industrial District OR on a property within a Special District zoning district, which are: AG Agricultural District, PUD Planned Unit Development District, or P-I Public and Institutional District.
4. The Mobile Food Unit does not block entrance to and exit from the lot upon which it is situated.
5. The Mobile Food Unit does not block fire hydrants, fire lanes, or the lawful signs of any other business.
6. The Mobile Food Unit serves only pedestrians, does not include a drive-through window, nor does it offer outdoor seating.
7. A Mobile Food Unit is allowed to park on a hard surface parking lot (asphalt or cement) only.
8. A Mobile Food Unit is allowed to park overnight on a hard surface parking lot (asphalt or cement) only located in the rear yard of the authorized property. There shall be no overnight parking of a
9. There shall be no overnight parking of the Mobile Food Unit in the front yard.
10. There shall be only one Mobile Food Unit operating on a property at any time.
11. All food and drinks sold by a Mobile Food Unit must be prepared for consumption. No frozen meat, fish or similar commodities may be sold from a Mobile Food Unit.

SECTION 5. FORMS AND REGISTRATION CERTIFICATE

- A. The registration form to be completed by an applicant registering with the Township as a Mobile Food Unit pursuant to Section 2 of this Resolution shall include at least all of the following:
 1. The name of the applicant;
 2. The address where the Mobile Food Unit is proposed to be located;
 3. The name, address, telephone number, and email address of the applicant;
 4. The advertised business name of the Mobile Food Unit;
 5. The name, address, telephone number, and email address of the point of contact responsible for the operation of the Mobile Food Unit;
 6. The name, address, telephone number, and email address of the property owner (or assigned designee);
 7. The Notarized Signature of the property owner (or assigned designee).

B. A registration certificate issued by the Township to a Mobile Food Unit pursuant to Section 2 shall include at least all of the following:

1. The name of the Township;
2. Contact information for the Township;
3. The name of the Mobile Food Unit (advertised business name);
4. The address where the Mobile Food Unit is authorized to be located;
5. The name, address, telephone number, and email address of the point of contact responsible for the operation of the Mobile Food Unit;
6. The issue date of the registration certificate; and,
7. The expiration date of the registration certificate.

SECTION 6. NONTRANSFERABILITY.

Registration certificates issued pursuant to this Resolution are non-transferable and shall not be used by any Mobile Food Unit other than the Mobile Food Unit identified on the registration certificate.

SECTION 7. ADMINISTRATIVE AUTHORITY TO REVOKE A PERMIT FOR NON-COMPLIANCE

1. The Boardman Township Planning and Zoning Department Director shall revoke a Mobile Food Unit certification if one or more violations of the terms of certification occurs.
2. A Mobile Food Unit operator who has his/her Registration Certification Revoked may not apply for another license from Boardman Township for at least one year.

SECTION 11. APPEALS

Any person who has applied for a registration certificate in accordance with this Resolution and who has been denied a registration certificate or had the registration certificate revoked may appeal the decision to the Board. Such appeal shall be considered by the Board at the next regular meeting of the Board held at least 3 days after the notice of appeal is filed.

SECTION 13. NO WARRANTY/NO ENDORSEMENT

No warranty, guarantee, or assurance of any type, express or implied, of, concerning, or related to any Mobile Food Unit, any ideas, thoughts, communications, or messages expressed, stated, and/or conveyed by any Mobile Food Unit, or any Goods, products, or services sold, offered for sale, or offered for future delivery by any Mobile Food Unit is given or bestowed by the Board, Township, or any employee, representative, agent, or volunteer of the Board or Township by this Resolution or the registration and regulatory requirements contained herein and this Resolution should not be construed to provide any such warranty, guarantee, or assurance. Any warranty, guarantee, or assurance of any type is expressly disclaimed.

This Resolution and the registration and regulatory requirements contained herein are not and should not be construed as any type of endorsement, express or implied, by the Board, Township, or any employee, representative, agent, or volunteer of the Board or Township of any Mobile Food Unit or any entity by which any Mobile Food Unit may be employed or represent, any ideas, thoughts, communications, or messages expressed, stated, and/or conveyed by any Mobile Food Unit, or any Goods, products, or services sold, offered for sale, or offered for future delivery by any Mobile Food Unit, whether registered or not registered in accordance with this Resolution. Any endorsement is expressly disclaimed.

SECTION 14. SEVERABILITY

The provisions of this Resolution are severable and independent, and if any such provision shall be unenforceable in whole or in part, the remaining provisions and any partially enforceable provisions, to the extent enforceable, shall nevertheless be binding and enforceable.

SECTION 16 . ADOPTION

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. 121.22.

SECTION 17 . PRIOR RESOLUTIONS

This Resolution supersedes any Mobile Food Unit ban, registration, and regulatory requirements adopted by the Board prior to the effective date of this Resolution.

SECTION 18. EFFECTIVE DATE

This Resolution shall be in full force and effect immediately upon adoption.

Motion offered by: Mr. Gambrell

Motion supported by: Mr. Yacovone


ROLL CALL:	AYE:	NAY:
Mr. Moliterno:	<u>X</u>	_____
Mr. Yacovone:	<u>X</u>	_____
Mr. Gambrell:	<u>X</u>	_____

RESOLUTION ADOPTED this 10th Day of March, 2026.

**BOARDMAN TOWNSHIP TRUSTEES,
MAHONING COUNTY, OHIO:**



Steve Yacovone, Chair

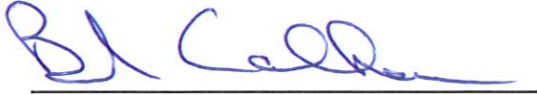


Larry Moliterno, Trustee



Matthew Gambrell, Trustee

ATTEST:



Brad Calhoun, Fiscal Officer

CERTIFICATION

I, Brad Calhoun, Clerk of Boardman Township, do hereby certify that the foregoing Resolution is taken from the Minutes of Boardman Township at a meeting duly-held on March 10, 2026 that the same has been compared by me with the original Resolution of said Minutes, and that said Resolution is a true and correct copy thereof.



Brad Calhoun
Fiscal Officer