



City of Columbia City

Mobile Non-Food Truck Permit

112 S. Chauncey Street, Columbia City, IN 46725
Phone: 248-5100 • Fax: 248-5105

NOTE: This application must be filled out completely. The mobile non-food unit must comply with all applicable local and State of Indiana laws and regulations. This permit is valid only for the mobile unit listed; it does not serve as approval for any external fixtures such as a tent.

Applicant name: _____

Address: _____

Phone number: _____ Email: _____

Business name: _____

Business address: _____

Tax ID#: _____ Phone number: _____

State of Incorporation: _____

Products being sold: _____

Selling location (map must be provided): _____

Selling date(s): _____

Selling time: _____

Fees: \$25/day, \$75/week, \$100/month, \$300/6 months, \$500/annual

****For office use only****

Checklist for approval, if applicable

N/A Yes

- Proof of registration with Secretary of State
- Proof of Employer Identification Number
- Proof of insurance listing the City as a co-insured
- Proof of safety inspection of the mobile unit
- If flame or fire is to be onsite, proof of Open Burn Permit issued by CCFD
- Proof of approval from Board of Works if selling on City owned property
- Proof of approval from private property owner if selling on or in front of said property
- Copy of Indiana registration
- Copy of valid driver's license
- Map of selling location

Date Permit Issued: _____ Amount Pd: _____

Effective: _____ Expires: _____

ORDINANCE NO. 2019-2

AN ORDINANCE REGULATING MOBILE (NON-FOOD) VENDORS

WHEREAS, the Common Council is concerned for the health, safety, peace and welfare of the citizens of the City of Columbia City, Indiana; and

WHEREAS, in order to protect the unique character of the City of Columbia City, the City finds it necessary to regulate mobile vendor units inside of the City's jurisdictional limits; and

WHEREAS, licensing and regulating mobile vendors seeks to protect the residents of the City of Columbia City from possible fraud, misrepresentation, and nuisance; and

WHEREAS, in an effort to defray the costs of regulating the businesses identified in this Ordinance, reasonable fees are being proposed; and

WHEREAS, one of the primary purposes of this Ordinance is to promote the public interest by enhancing the attractiveness of the City and by providing opportunities for creative, colorful and pedestrian-focused commercial activities; and

WHEREAS, the proposed ordinance balances the promotion of the pedestrian-focused businesses while maintaining the City of Columbia City's interest in its residents' health and safety.

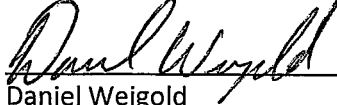
NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBIA CITY, INDIANA THAT:

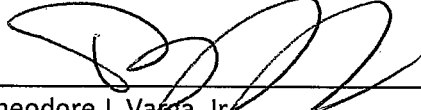
Section 1. Chapters 112, entitled Peddlers, and Chapter 115, entitled Street Businesses, shall be deleted in their entirety and replaced with a new Chapter 112, entitled Mobile (Non-Food) Vendors which is set forth in Exhibit "A" attached hereto and made a part hereof.


Section 2. This Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the Mayor, and publication of the summary of this ordinance in a newspaper of daily circulation within Whitley County, Indiana. Upon passage the codified version of said Ordinance attached as Exhibit "A" hereto shall be placed on the City of Columbia City internet site under the Code of Ordinances as Chapter 112.

PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this 28 day of May, 2019.

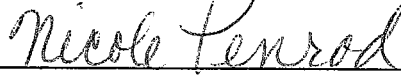
COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:

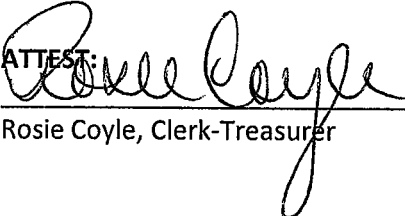

Daniel Weigold


Theodore J. Varga, Jr.

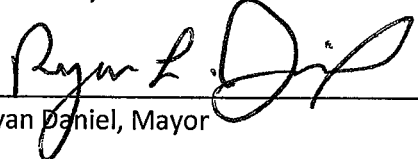

Walter C. Crowder


Jennifer B. Zartman-Romano


Nicole Penrod

ATTEST:

Rosie Coyle, Clerk-Treasurer

APPROVED AND SIGNED by me this 28th day of May, 2019.


Ryan Daniel, Mayor

CHAPTER 112

Provisions Regulating Mobile (Non-Food) Vendors

Sections:

112.01	Definitions.
112.02	Operations generally.
112.03	Business Permit —Required.
112.04	Business Permit—Application.
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112.06	Business Permit—Duration and Fees.
112.07	Business Permit—Insurance and Indemnity.
112.08	Business Permit—Issuance.
112.09	Business Permit—Transferability.
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112.11	Business Permit—Safety Inspection Required.
112.12	Location Restrictions.
112.13	Prohibited Hours.
112.14	Standards of Conduct.
112.15	Penalties—Revocation of Permit.
112.16	Restriction on Use and Permits.

112.01 Definitions

The following terms shall have the following meanings:

“Mobile food truck” or “mobile vendor unit” is defined and regulated in Chapter 114.02.

“Mobile (Non-Food) Vendor” (or “Mobile Vendor” as often referred to herein) means a person who sells, serves, offers for sale, or gives away goods (for example, but not limited to, clothing, furniture, artwork, jewelry and any other non-food merchandise) from any self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, is meant to be portable and is not permanently attached to the ground consisting of an enclosed truck, trailer, bus or similar vehicle that contains equipment used for the sale of non-food merchandise and is closed up when not in operation. For-profit Mobile Vendors operating under an otherwise exempt organization are not exempt from the provisions of this Ordinance (unless, otherwise exempted by the City’s Board of Public Works and Safety).

“City property” means all outdoor areas which are owned, or leased as lessee, by the City or one of the City’s departments, or upon which the City or one of its departments has an easement or right-of-way including, but not limited to, streets, sidewalks, plazas or other areas adjacent to building owned by the City or one of its departments.

“Private property” means all outdoor areas which are not owned or leased by any governmental agency or entity, including, but not limited to, streets, sidewalks, plazas, parking lots, or other areas adjacent to buildings not owned by a governmental agency or entity.

“Special Event” is any event so designated by the City of Columbia City Board of Public Works and Safety, including those events set forth under Chapter 100 of the City of Columbia City’s Code of Ordinances.

“Enforcement Officer” is a person or persons designated by the City of Columbia City to enforce the provisions of this Ordinance.

112.02 Operations generally.

It is unlawful to locate as a mobile vendor in the City except in accordance with the provisions of this Chapter.

112.03 Business Permit—Required.

(a) No person shall carry on the business of operating a mobile vendor unit within the corporate limits of the City, wholesale, or retail by carrying, exposing, or representing for sale, within any street, avenue, alley, square, sidewalk or similarly situated open public place, any item, article, merchandise, beverage, or other similar products without obtaining a Permit as set forth in this Chapter.

(b) This Chapter does not apply to any recognized participant of a special event exempted by the City’s Board of Works or qualified as a special event under the City’s Code of Ordinances.

112.04 Business Permit—Application.

Any person desiring a Permit under this Chapter shall submit a fully completed application to the City Clerk-Treasurer as a mobile vendor. The application must set forth or have attached the following information as specified:

(a) The applicant’s name, current physical address, telephone number, and email address;

(b) The name, current physical address, tax identification number, and telephone number of the person, firm, limited liability company, corporation or organization which the applicant is employed by or represents;

(c) If the applicant is employed by or represents a firm, limited liability company or corporation, the applicant shall provide the name and current physical address of all members of the firm or limited liability company, or all officers of the corporation, as the case may be;

(d) If the applicant is employed by or represents a corporation or limited liability company then there shall be stated on the application the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the State of Indiana, the registered agent and contact information for such registered agent for such foreign entity;

(e) The type of products or services to be sold and the hours of the day the applicant plans to conduct business;

(f) The place or places where said business may be conducted, and a written statement, if applicable, from the owner of any private property wherein the business may be conducted authorizing the applicant to use the property;

(g) The duration of the Permit being sought;

(h) A statement as to whether or not a Permit, under the provisions of this Chapter, or any other similar ordinance of the City of Columbia City, or any other county, town or municipality, or the State of Indiana has been revoked, together with the details thereof; and

(i) The designation of a resident of the State of Indiana as a registered agent for purposes of receiving notices from the City of Columbia City or other service of process, as a result of doing business in the City of Columbia City.

112.05 Business Permit—Prerequisites.

An application for a Permit under this Chapter for all forms of business regulated by this Chapter shall not be considered unless proof of the following, if applicable, are provided with the application:

(a) Proof of registration as a business with the Indiana Secretary of State;

(b) Proof of an Employer Identification Number;

(c) If business is to be conducted on City property, a resolution or minutes approving the same from the City's Board of Public Works and Safety;

(d) If business is to be conducted on or in property owned or managed by the City of Columbia City Parks Department, a letter of approval from the Park Board;

(e) If business is to be conducted on or in front of private property, a letter from the private property owner granting the business operator written permission to locate on or in front of said property.

(f) Proof of insurance in accordance with the amounts established in this Chapter;

(g) If any type of spark, flame or fire will be produced, proof of an Open Burn Permit issued by the City of Columbia City's Fire Department;

(h) A copy of the Indiana registration;

(i) Copy of a valid driver's license;

(j) Proof of an independent safety inspection of all vehicles to be used in the business in accordance with the provisions of this Chapter and the inspection checklist provided by the City;

(k) A scaled site plan showing the location of the proposed mobile vendor unit and the properties: drives, parking access aisles, fire lanes, sidewalks and accessible routes; and

(l) Proof of payment for, or exemption from, the applicable fee.

112.06 Business Permit—Duration and Fee.

(a) Each applicant shall pay a Permit fee in accordance with the schedule set forth below (all Permits are for a consecutive period of time and are valid only between January 1st and December 31st of each applicable year):

(1)	Annual Permit:	\$500.00
(2)	Six Month Permit:	\$300.00
(3)	One Month Permit:	\$100.00
(4)	Weekly Permit:	\$75.00
(5)	Daily Permit:	\$25.00

In the event an applicant wishes to obtain an annual permit after already obtaining a daily permit or multiple day permit, the daily or multiple day permit fees already paid shall be credited toward the annual permit fee. No deductions shall be allowed from the fee for a Permit issued pursuant to this Chapter for any part of the term of which the Permit does not engage in transacting business.

(b) The following listed organizations and/or entities while required to obtain a Permit under this Chapter are exempt from having to pay fees, so long as the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes:

- (1) Churches;
- (2) Schools;
- (3) IRS 501c3 organizations;
- (4) Fraternal organizations;
- (5) Other similarly situated organizations; and
- (6) Ventures and/or events approved from time to time by the City of Columbia City's Board of Public Works and Safety.

(c) Pursuant to Ind. Code 25-25-2-1, while all honorably discharged veterans are required to obtain a Permit under this Chapter they are exempt from having to pay any fees.

112.07 Business Permit—Insurance and Indemnity.

(a) Unless provided by a Special Events Coordinator, each applicant for a Permit shall provide a certificate of liability insurance to the City Clerk-Treasurer upon a form approved by City of Columbia City, insuring the applicant, and naming the City of Columbia City as co-insured, against the following liability and in the following amounts relative to such activity:

- (1) Personal Injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate;
and
- (2) Property Damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate.

(b) Each applicant shall provide a document approved by the City of Columbia City, in which the applicant agrees to indemnify and hold harmless the City of Columbia City for losses or expenses arising out of the operation of his/her business.

112.08 Business Permit—Issuance.

(a) The City Clerk-Treasurer shall within fourteen (14) days of receipt of the completed application issue the business Permit to the applicant if the City Clerk-Treasurer finds the following:

- (1) Compliance with all provisions of this Chapter;
- (2) The applicant has not had a prior Permit issued under this Chapter, or any other similar permit authorized by a different governmental entity, suspended or revoked; and
- (3) The applicant has not been previously found to be in violation of this Chapter, or any other similar law promulgated by a different governmental entity.

(b) In the event the City Clerk-Treasurer finds that multiple mobile vendor units are applying for permits on the same day or days, the Enforcement Officer may take into consideration the safety of the public and traffic in the area and designate locations for the parking of each mobile vendor unit.

112.09 Business Permit—Transferability.

A Permit issued pursuant to this Chapter shall not be transferable to another person or entity.

112.10 Business Permit—Identification.

(a) All Permits issued by the City Clerk-Treasurer under this Chapter shall be displayed at all times on the unit or on the person operating the business.

(b) Failure to display or exhibit a Permit in accordance with this Section may be grounds for suspension or revocation of said Permit.

112.11 Business Permit—Safety Inspection Required.

(a) If, at any time, the City of Columbia City has probable cause to believe that a mobile vendor unit, is unsafe or in mechanically unsound condition, the Chief of Police, Chief of the Fire Department or a designee of either person may order a mobile vendor unit issued a Permit under this Chapter to undergo an immediate safety inspection. If the safety inspection reveals deficiencies with the mobile vendor unit, the mobile vendor unit cannot be used until such time as the deficiencies have been remedied.

112.12 Location Restrictions.

(a) No mobile vendor unit shall be located in the street, street median strip or alleyway that is adjacent to any other property without having the specific written consent of all adjacent property owners.

(b) No mobile vendor unit shall be located on the street of a Special Event authorized by the City's Board of Public Works and Safety unless prior approval has been granted by both the operator of the Special Event and the City's Board of Public Works and Safety.

(c) No mobile vendor unit shall be located in a manner which would significantly impede or prevent the use of any City of Columbia City property, or which would endanger the safety or property of the public.

(d) No mobile vendor unit shall be located in a neighborhood or on property wherein a sign reading "No Solicitation", or something of a similar nature, has been duly erected and displayed.

(e) During an establishment's open business hours, no mobile vendor unit shall be located within one hundred (100) feet of any façade of a ground level establishment that also sells food, beverages, or similar products or locate within fifty (50) feet of the perimeter of such an establishment's outdoor seating area.

(f) Subject to always taking into consideration the safety of pedestrians and moving traffic, mobile vendor units shall be located at least 20' from all posted crosswalks, driveways, alleyways, right-of-way lines or two or more intersecting streets and building entrances or walk-up windows.

(g) Mobile vendor units shall only be located on or in front of private property if the private property owner has provided the business operator written permission for the mobile vendor unit to locate on or in front of said property.

(h) No mobile vendor unit shall be parked on City property in violation of any City parking regulation, restriction, or ordinance.

(i) No mobile vendor unit shall be located within fifteen feet of any fire hydrant.

(j) No mobile vendor unit being operated on private property shall displace required parking or landscaping nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for the private parking by the City's zoning code.

(k) No mobile vendor unit shall be located more than one foot away from the curb of the street on which it is parked.

112.13 Prohibited Hours for the Operation of Mobile Vendors.

No mobile vendor shall locate on the public streets or sidewalks in the City of Columbia City, Indiana between the hours of 10.00 p.m. and 6:00 a.m. Special events may receive extended hours, with specific approval of the City's Board of Public Works and Safety.

112.14 Standards of Conduct for Mobile Vendors.

All mobile vendors shall conform to the following standards of conduct:

- (a) All shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Columbia City's Noise Ordinance;
- (b) A device may not be used which would amplify sounds nor may attention be drawn to the solicitor by an aural means or a light-producing device (examples of such devices may include, but are not meant to be limited to the following: bull horns and strobe lights);
- (c) No one shall expose any person to any undue safety or health hazards nor create a public nuisance;
- (d) All shall be required to obey the commands of law enforcement officers or fire officials with respect to activity carried out inside of the City's jurisdiction;
- (e) No mobile vendor unit shall ever be left unattended while in use;
- (f) Mobile vendor units shall not be stored, parked or left overnight on any City property; and
- (g) No detached generators or loose cords on the ground shall be allowed.

112.15 Penalties—Revocation of Permit.

(a) Any person, partnership, limited liability company or corporation which violates any provision of this Chapter, shall be subject to the following penalties:

(1) Operating without a Permit:

First offense	\$100.00
Second offense within any 12-month period	\$500.00
Third offense, or each thereafter, within any 12-month period	\$1,000.00

(2) Failure to comply with any other provisions of this Chapter:

First offense	\$100.00;
Second offense within any 12-month period	\$500.00;
Third offense, or each thereafter, within any 12-mo. period	\$1,000.00.

(b) In addition, the City Clerk-Treasurer shall, after notice and hearing before the City's Board of Public Works and Safety, suspend or revoke, by written order, any Permit issued hereunder if the Board of Public Works and Safety finds:

- (1) The permittee has violated any provision of this Chapter or any rule or regulation lawfully made under and within the authority of this Chapter;

(2) The permittee is operating the Permit under this Chapter in a manner contrary to the State of local code; or

(3) Any fact of condition exists which, if it had existed at the time of the original application for such Permit, would have permitted the City Clerk-Treasurer to refuse originally to issue such Permit.

(c) Any person charged with violating the provisions of this Chapter may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this Chapter's provisions.

112.16 Restriction on Use and Permits.

The City of Columbia City has exclusive authority to restrict the use of mobile vendor units and the issuance of business permits for mobile vendor units under the following conditions:

(a) The City may restrict the use of mobile vendor units in certain designated areas of the City in the event of an emergency declared by the Mayor, the Chief of Police, the Fire Chief, the City's Board of Public Works and Safety, the Superintendent of any of the City's Utilities, and/or any of the aforementioned duly appointed designees.

(b) Absent an emergency as described above, the City may restrict the use of mobile vendor units in certain designated areas of the City provided the City has given each mobile vendor permittee written notice of the restriction at least seventy-two hours in advance of the restriction going into effect.