



# City of Columbia City

## Mobile Food Truck Permit

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

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**NOTE:** This application must be filled out completely. The mobile food unit must comply with the City's Food Truck Ordinance, all applicable local and State of Indiana laws and regulations. This permit is valid only for the mobile unit and no external fixtures such as a tent. **Permits are required for all food trucks locating on public property (streets, parking spaces, etc.)**

**Fee Schedule:** Whitley County with store front – no charge  
Whitley/Non-Whitley County with no store front and included in event – No charge  
Whitley/Non-Whitley County not included in event - \$50  
(Board of Works approved 01/10/2020)

Mobile Vendor Business Name: \_\_\_\_\_

Owner: \_\_\_\_\_

Home Office Address: \_\_\_\_\_

Phone Number: Office \_\_\_\_\_ Cell \_\_\_\_\_

E-mail address: \_\_\_\_\_

Mobile Unit Description: \_\_\_\_\_

License Plate number: \_\_\_\_\_

Health Department Permit # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Event Attending (if Applicable) \_\_\_\_\_

Date(s) of Event \_\_\_\_\_

I attest that the information provided above is true and accurate. I agree to comply with the requirements as set forth by the City of Columbia City and understand that failure to do so may result in penalties and revocation of the permit. I further understand that the permit is issued to the above listed owner(s) and is not transferrable.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

*Please check box if signing electronically– I certify my electronic signature is the legal equivalent to my manual signature*

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### Office Use Only

Date permit issued: \_\_\_\_\_ Exp. Date \_\_\_\_\_

## CHAPTER 114: RESTAURANTS

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### Section

114.01 Whitley County eating and drinking establishment ordinance adopted

114.02 Mobile food trucks

Appendix: Whitley County Eating and Drinking Establishment Ordinance

### § 114.01 WHITLEY COUNTY EATING AND DRINKING ESTABLISHMENT ORDINANCE ADOPTED.

The Whitley County Ordinance No. 1-1961, entitled “An ordinance defining restaurant, food, itinerant restaurant, employee, utensil, health officer and other items requiring permits, licenses or license fees for the operation of restaurants and itinerant restaurants; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of restaurants and itinerant restaurants; providing for the enforcement of this ordinance; and fixing penalties,” a copy of which is on file in the office of the Clerk-Treasurer is adopted as an ordinance of the city and made a part hereof, as if fully set out in this section.

(1980 Code, § 114.01) (Ord. 458, passed 3-13-1962)

### § 114.02 MOBILE FOOD TRUCKS.

(A) *Defined.* **MOBILE FOOD TRUCK.** A mobile vehicle, including a truck and/or trailer, for the cooking and selling of food.

(B) *Permit.* There shall be a special, annual permit for mobile food trucks that meet the criteria set forth in division (C) below. Permit fee schedules will be maintained in the City Clerk’s Office, and may be amended by the Board of Public Works and Safety from time to time.

(C) *Criteria, rules and polices.* A mobile food truck operator may be entitled to apply for an annual permit under the following conditions:

(1) Anyone operating a mobile food truck must comply with all applicable city and state health department laws and regulations, and must maintain compliance while operating under a city mobile food truck permit.

- (2) Mobile food truck operators must comply with and apply for their permit pursuant to Chapter 114, as amended or replaced.
- (3) Mobile food trucks may not engage in selling food or beverages between the hours of 10:00 p.m. and 6:00 a.m. in a public right-of-way.
- (4) All equipment used or provided shall be in good repair, and shall meet the standards required in 410 I.A.C. 7-24, as amended, and I.C. Ch. 16.
- (5) All mobile food trucks shall meet the requirements as set forth by the city, as amended from time to time. Such requirements shall be available to any mobile food truck operator requesting a permit, and may be obtained from the City Clerk's Office.
- (6) Food must be vended from the curb and not the street side of the mobile food truck.
- (7) In the event a food truck operator changes the product sold, as was approved on the operator's city permit, an amended permit shall be applied for at the City Clerk's Office and obtained at no additional cost to the operator. The new product to be sold must still meet all city requirements and the regulations of this section.
- (8) In the event the food truck operator is operating under a separate provision of the city's code of ordinances (e.g., festivals), the food truck operator shall comply with the rules and regulations of the separate provision.
- (9) All mobile food trucks shall be equipped at all times with an operating and up to Code 5 lb. ABC fire extinguisher.
- (10) The food truck operator shall comply with all city parking regulations.
- (11) Violations of any provisions set forth herein or requirements established by the city, as amended from time to time, may result in revocation of the food truck operator's permit and a penalty in the amount of \$100 per day that the food truck operator continues its operation without a permit.
- (12) All other relevant provisions of this chapter shall apply to the operation of mobile food trucks.

(Ord. 2015-8, passed 3-10-2015; Am. Ord. 2015-17, passed 5-12-2015; Am. Ord. 2019-11, passed 5-28-2019)

## **APPENDIX: WHITLEY COUNTY EATING AND DRINKING ESTABLISHMENT ORDINANCE**

Ordinance Number 1 - 1961

An ordinance defining restaurant, food, itinerant restaurant, employee, utensil, health officer, and other items; requiring permits, licenses, license fees for the operation of restaurants and itinerant restaurants; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of restaurants and itinerant restaurants; providing for the enforcement of this ordinance; and fixing penalties.

BE IT ORDAINED AND ENACTED BY The Board of Commissioners of the County of Whitley, State of Indiana, as follows:

## § 1 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

**RESTAURANT.** Restaurant, coffee shop, cafeteria, short order café, luncheonette, tavern, sandwich stand, soda fountain, drive-in restaurant, drive-in theater restaurant, in-plant food service, commissary, snack bar, or food catering or food establishment, whether fixed or movable, where food for human consumption is prepared or served in such manner that it is ready for consumption on the premises. **RESTAURANT** shall not include a food establishment that is known as a retail food market where food is not prepared and served for consumption on the premises.

**FOOD.** Articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

**ITINERANT RESTAURANT.** A restaurant operating for a temporary period, in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

**EMPLOYEE.** Any person who handles food during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room or other place in which food is stored, prepared, processed, displayed, or served.

**UTENSIL.** Any kitchenware, tableware, glassware, cutlery, containers, or other equipment of any kind or nature with which food comes in contact during storage, preparation, or serving.

**HEALTH OFFICER.** The County Health Officer, or his or her authorized representative.

**WHITLEY COUNTY.** Those rural and urban areas which are under the jurisdiction of the Whitley County Health Officer and shall not apply to incorporated cities or towns, except as provided for under authority of Chapter 80, Indiana Acts of 1953.

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality, or his or her or its legal representative or agent.

(Am. Ord. 2014-25, passed 12-9-2014; Am. Ord. 2015-8, passed 3-10-2015)

## § 2 PERMITS.

(A) *Permits.* It shall be unlawful for any person to operate a restaurant or itinerant restaurant in Whitley County, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place in such restaurant or itinerant restaurant. Only persons who comply with the applicable requirements of this ordinance shall be entitled to receive and retain such a permit. The permit for a

restaurant shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The permit for an itinerant restaurant shall be for the term of one continuous operation. Any permit issued by the Health Officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the Health Officer.

A separate permit shall be required for each restaurant or itinerant restaurant operated or to be operated by any person. A permit issued under this ordinance is not transferable.

A permit shall be issued to any person on application after inspection and approval by the Health Officer; provided that the restaurant or itinerant restaurant complies with all the applicable provisions of this ordinance.

No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) *License and license fee.* It shall be unlawful for any person to operate a restaurant in Whitley County, who does not possess a valid license for the operation of such establishment. The license shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually.

Such license shall be provided by the County Health Officer after a satisfactory and acceptable report of inspection has been made by the County Sanitarian and the payment of a license fee of \$3, or a license fee of \$2 if issued on or after June 1 of any calendar year.

Any person who desires to operate an itinerant restaurant in the County of Whitley must obtain from the County Health Officer a license for an itinerant restaurant. Such license shall be provided by the County Health Officer after a satisfactory and acceptable report of inspection has been made by the County Sanitarian and the payment of a license fee of \$1 for each day of operation.

A separate license shall be required for each restaurant or itinerant restaurant operated or to be operated by any person.

The amount of the license fee shall be payable to the Treasurer of Whitley County at the time the license is granted by the County Health Officer at the County Board of Health office.

(C) *License and fee exception.* The provisions of this ordinance shall apply to, and a permit as described in Section 2 (A) shall be obtained for, restaurants and itinerant restaurants operated by fraternal organizations, service clubs, religious, educational, and charitable institutions. However, no license shall be required and no license fee shall be paid for restaurants or itinerant restaurants operated by religious, educational, or charitable organizations.

(Am. Ord. 2014-25, passed 12-9-2014; Am. Ord. 2015-8, passed 3-10-2015)

### **§ 3 MINIMUM SANITATION REQUIREMENTS FOR RESTAURANTS.**

All restaurants and itinerant restaurants shall comply with the minimum sanitation requirements specified by the Indiana State Board of Health as now provided in its Regulation HFD 17, or as the same may be hereafter changed or amended. Such regulation and any changes and amendments thereto which may be hereafter adopted or promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the Clerk of the Whitley Circuit Court of Whitley County at Columbia City, Indiana, for public inspection.

#### **§ 4 SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED, OR MISBRANDED FOOD.**

It shall be unlawful for any person to sell through a restaurant or itinerant restaurant any food which is unwholesome, adulterated, or misbranded.

Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from unwholesomeness, adulteration, or misbranding. The Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded or which he or she has probable cause to believe to be unwholesome, adulterated, or misbranded. The Health Officer may cause to be removed or destroyed any food which in his or her opinion is unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the Health Officer.

#### **§ 5 DISEASE CONTROL.**

(A) *Disease control.* No person or persons suspected of being affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he or she shall notify the Health Officer immediately.

(B) *Procedure when infections suspected.* When suspicion arises as to the possibility of transmission or infection from any restaurant employee, the Health Officer is authorized to require any or all of the following measures:

- (1) The immediate exclusion of the employee from all restaurants;
- (2) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists in the opinion of the Health Officer; and
- (3) Adequate medical examination of the employee and of his or her associates with such laboratory examinations as may be indicated.

## § 6 INSPECTION OF RESTAURANTS.

(A) *Frequency of inspection.* At least once each three months the Health Officer shall inspect each restaurant for which a permit is required under the provisions of this ordinance.

(B) *Procedure when violations noted.* If during the inspection of any restaurant the Health Officer discovers the violation of any of the sanitation requirements in Section 3 of this ordinance, he or she shall issue a written order listing such violations to the proprietor or, in his or her absence, to the person in charge, and fixing a time within which the said proprietor of said restaurant shall abate and remedy such violations. A copy of the written order shall be filed with the records of the Health Department.

(C) *Authority to inspect and to copy records.* The person operating the restaurant shall, on the request of the Health Officer, permit such Health Officer or his or her authorized representative access to all parts of such restaurant and shall permit copying any or all records relative to the enforcement of this ordinance.

(D) *Final inspection—prosecution or hearing for violators.* If on a second and final inspection the Health Officer finds that such restaurant, person, or employee is violating any of the provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the county in which the violation occurs, and he or she shall prosecute all persons violating said provisions of this ordinance; or the Health Officer may promptly issue a written order to the permittee of such restaurant to appear at a certain time, no later than ten days from the date of final inspection, and at a place in said county fixed in said order to show cause why the permit issued under the provision of Section 2 (A) should not be revoked.

(E) *Revocation of permit.* The Health Officer on such hearing, if the permittee should fail to show cause, shall revoke said permit and promptly give written notice of such action to the permittee. The Health Officer shall maintain a permanent record of his or her proceedings filed in the office of the Health Department.

(F) *Suspension of permit.* Any permit issued under this ordinance may be temporarily suspended by the Health Officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(1) Insanitary or other conditions which in the Health Officer's opinion endangers the public's health;

(2) Interference with the Health Officer or any of his or her authorized representatives in the performance of their duties. However, on written application from the permittee, served on the Health Officer within 15 days after such suspension, the Health Officer shall conduct a hearing on the matter after giving at least five days' written notice of the time, place, and purpose thereof to the suspended permittee. Provided, further, that any such suspension order shall be issued by the Health Officer in writing and served on the permittee by leaving a copy at his or her usual place of business or by delivery of registered or certified mail to such address.



(G) *Reinstatement of permit.* Any person whose permit has been suspended may at any time make application to the Health Officer for the reinstatement of his or her permit.

## **§ 7 INSPECTION OF ITINERANT RESTAURANTS.**

(A) *Frequency of inspection.* At least once in each 24-hour period the Health Officer shall inspect each itinerant restaurant for which a permit is required under the provision of this ordinance.

(B) *Procedure to follow when any sanitation violation noted.* If during the inspection of any itinerant restaurant the Health Officer discovers the violation of any of the sanitation requirements in Section 3 of this ordinance, he or she shall order the immediate correction of the violation.

(C) *Authority to inspect and to copy records.* The person operating the itinerant restaurant shall, on the request of the Health Officer, permit such Health Officer or his or her authorized representative access to all parts of the itinerant restaurant and shall permit copying any or all records relative to the enforcement of this ordinance.

(D) *Revocation of permit and penalties for continued operation.* On failure of any person maintaining or operating an itinerant restaurant to comply with any order the Health Officer, it shall be the duty of the Health Officer summarily to revoke the permit of such person and establishment and to forbid the further sale or serving of food therein. Any person continuing to sell or serve food in such itinerant restaurant, the permit of which has been revoked, shall be subject to the penalties provided in Section 10 of this ordinance.

## **§ 8 APPROVAL OF PLANS.**

All restaurants which are hereafter constructed or renovated shall conform in their construction to applicable requirements of this ordinance. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer before starting any construction work.

## **§ 9 INSPECTION REPORT.**

A carbon copy of the last inspection form shall be posted in plain view in a conspicuous place in each restaurant or itinerant restaurant at all times.

## **§ 10 PENALTIES.**

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than \$500; for the second offense by a fine of not more than \$1,000, and each day after the expiration of the time limit for abating insanitary conditions and



completing improvements to abate such conditions as ordered by the Health Officer shall constitute a distinct and separate offense.

#### **§ 11 REPEAL AND DATE OF EFFECT.**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

#### **§ 12 UNCONSTITUTIONALITY CLAUSE.**

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of the ordinance shall not be affected thereby.

Passed and adopted by the Board of Commissioners of the County of Whitley, State of Indiana this second day of January, 1962.