

ORDINANCE 2024-9

AN ORDINANCE AMENDING CHAPTER 114, RESTAURANTS AND CHAPTER 112,  
MOBILE (NON-FOOD) VENDORS OF THE CODE OF ORDINANCES OF  
THE CITY OF COLUMBIA CITY, INDIANA

WHEREAS, the Common Council of the City of Columbia City, Indiana, after full investigation, deems it in the best interests of the citizens of Columbia City and to preserve their public safety and welfare to modify and amend Chapters 114 and 112 of the Code of Ordinances of the City of Columbia City.

NOW, THEREFORE, BE IT ORDAINED, ORDERED, AND ESTABLISHED by the Common Council of the City of Columbia City, Indiana, as follows:

Section 1. Title XI, Chapter 114.02, Mobile Food Trucks, is hereby restated and amended in its entirety as set forth in the attached and incorporated Chapter 114.02 Mobile Food Trucks.

Section 2. Title XI, Chapter 112.08(A), regarding mobile vendors, is hereby amended by modification of the first sentence as follows:

*(A) The Clerk-Treasurer shall within 14 days (but not less than 3 days) of receipt of the completed application issue the business permit to the applicant if the Clerk-Treasurer finds the following:*

Section 3. Title XI, Chapter 112.12 (E), regarding mobile vendors, is hereby amended in its entirety to state the following:

*(E) During an establishment's open business hours, no mobile vendor unit shall be located directly next to or in front of any facade of a ground level establishment that also sells food, beverages or similar products or located adjacent to the perimeter of such an establishment's outdoor seating area.*

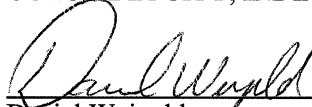
Section 4. Title XI, Chapter 112.05 (G) is hereby deleted and the remainder of the sub-section shall be re-lettered accordingly.

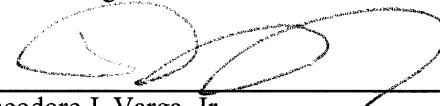
Section 5. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance in which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 6. This Ordinance shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

9 PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this  
day of July, 2024.

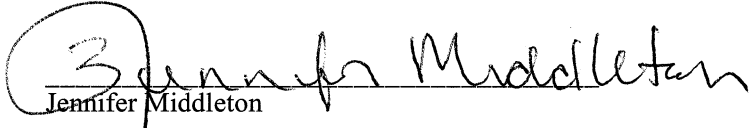
COMMON COUNCIL OF THE CITY OF  
COLUMBIA CITY, INDIANA, BY:

  
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Daniel Weigold

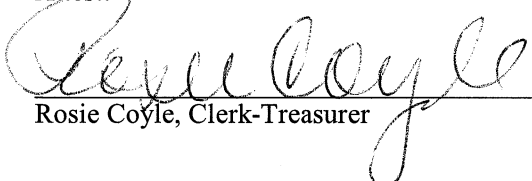
  
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Leslee Robinson

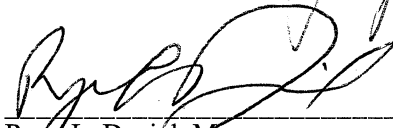
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Jennifer B. Zartman-Romano

  
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Jennifer Middleton

Attest:

  
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Rosie Coyle, Clerk-Treasurer

Approved this 9 day of July, 2024.

  
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Ryan L. Daniel Mayor  
City of Columbia City

## Chapter 114.02: Mobile Food Trucks

### Sections:

114.02.01	Definitions.
114.02.02	Operations generally.
114.02.03	Permit—Required.
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114.02.05	Permit—Prerequisites.
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114.02.15	Penalties—Revocation of Permit.
114.02.16	Restriction on Use and Permits.

### 114.02.01 Definitions

The following terms shall have the following meanings:

“Mobile food truck” or “mobile food vendor unit” is defined as a mobile vehicle, including a truck and/or trailer, used for the cooking and selling of prepared food items. For the purposes of this Ordinance, mobile food truck does not include a mobile truck used for the selling of unprepared meats and/or vegetables and/or other food items being sold for future preparation or cooking.

“Mobile Food Vendor” is as often referred to herein) means a person who sells, serves, offers for sale, or gives away food 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 prepared food and is closed up when not in operation.

“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.

“Board of Works” means the City of Columbia City Board of Public Works and Safety.

114.02.02 Operations generally.

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

114.02.03 Permit—Required.

(a) No person shall carry on the business of operating a mobile food truck within the corporate limits of the City, without obtaining a Permit as set forth in this Chapter.

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

114.02.04 Permit—Application.

Any person desiring a Permit under this Chapter shall submit a fully completed application to the City Clerk-Treasurer as a mobile food truck 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 food and/or beverages to be prepared and 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.

#### 114.02.05 Permit—Prerequisites.

An application for a Permit under this Chapter for all forms of food trucks 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) A copy of the Indiana registration;

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

(i) 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;

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

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

114.02.06 Criteria, Rules, and Policies for Mobile Food Truck Vendors.

If all other prerequisites are met, a mobile food truck vendor may apply for and maintain a permit under the following conditions:

(a) 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. Compliance certificates shall be attached to the operator's permit application for permit approval and at all times compliance certificates shall be visibly displayed on the outside of the mobile food truck.

(b) Mobile food truck operators must comply with and apply for their permit pursuant to this Chapter.

(c) Mobile food truck vendors 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.

(d) 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 the applicable provisions I.C. 16 (Health).

(e) 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.

(f) Food must be vended from the curb and not the street side of the mobile food truck.

(g) In the event a food truck vendor 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.

(h) In the event the food truck vendor 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.

(i) All mobile food trucks shall be equipped at all times with an operating and up to Code 5 lb. ABC fire extinguisher.

(j) The food truck operator shall comply with all city parking regulations.

(k) If applicable, the food truck operator shall pay the 1% Food and Beverage Tax (see City Ordinances Chapter 119).

(l) All mobile food truck vendors shall conform to the following standards of conduct:

(1) 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;

(2) 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);

(3) No one shall expose any person to any undue safety or health hazards nor create a public nuisance;

(4) 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;

(5) No mobile food truck shall ever be left unattended while in use;

(6) Mobile food trucks shall not be stored, parked, or left overnight on any City property; and

(7) No detached generators or loose cords on the ground are allowed.

#### 114.02.07 Permit—Duration and Fee.

(a) Each applicant shall pay a Permit fee in accordance with the schedule maintained in the City's Clerk's Office, which may be amended by the Board of ~~Public Works and Safety~~ from time to time. Permit fees apply to all food truck locations, regardless if on public or private property. Business owners with a physical presence within the City limits are exempt from the permit fee. Permits are for a consecutive period of time and are valid only between January 1<sup>st</sup> and December 31<sup>st</sup> of each applicable year. 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 food truck vendor 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~~.

(7) Note: For-profit Mobile Food 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~~).

(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.

114.02.08 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 the mobile food truck.

114.02.09 Permit—Issuance.

(a) The City Clerk-Treasurer shall within fourteen (14) days (but not less than 3 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.

114.02.10 Permit—Transferability.

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

114.02.11 Permit—Identification.

(a) All Permits issued by the City Clerk-Treasurer under this Chapter shall be displayed at all times on the mobile food truck in a visible location.

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



114.02.12 Permit—Safety Inspection Required.

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

114.02.13 Location Restrictions.

(a) No mobile food truck 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 food truck 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 food truck 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 food truck 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 food truck shall be located adjacent to any façade of a ground level establishment that also sells food, beverages, or similar products or located adjacent to 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 food trucks 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 food trucks 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 food truck to be located on or in front of said property.

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

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

(j) No mobile food truck 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 without the approval of the City's Board of ~~Public Works and Safety~~.

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

114.02.14 Prohibited Hours for the Operation of Mobile Food Truck Vendors.

No mobile food truck vendor shall be located 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~~.

114.02.15 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: \$500.00

(2) Failure to comply with any other provisions of this Chapter: \$500.00

(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) Anyone 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.

114.02.16 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 food trucks 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 food trucks in certain designated areas of the City provided the City has given each mobile food truck vendor permittee written notice of the restriction at least seventy-two hours in advance of the restriction going into effect.