

TOWN OF PITTSBORO, INDIANA

**ORDINANCE TO ESTABLISH REGULATIONS
FOR MOBILE FOOD VEHICLES**

WHEREAS, the Town of Pittsboro, Indiana, in the interest of public health and safety, desires to establish and adopt regulations for “mobile food vehicles”; and

WHEREAS, upon review by the Town Council of the Town of Pittsboro, Indiana and the Town Attorney, it has been determined there is not an appropriate permit procedure currently enacted in the Town of Pittsboro, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pittsboro, Indiana, that a new Chapter 112 shall be added to the Code of Ordinances of the Town of Pittsboro, Indiana and shall read as follows:

TITLE XI: BUSINESS REGULATIONS

Chapter 112: Mobile Food Vehicles

§ 112.01 Mobile Food Vehicles

(A) *Applicability.*

(1) The provisions of this Chapter apply to mobile food vehicles used to store, prepare, display or serve food or beverage with or without charge whether operated on public property or on property owned by religious, charitable or non-profit organization. This Chapter applies to such food service vehicles that are generally self-contained, movable, wheeled, towed, motorized or non-motorized. “Mobile Food Vehicle” is further defined as a licensed motorized vehicle that is enclosed, self-contained, and serves food to the general public, while temporarily located at a public or privately-owned location in accordance with this Chapter 112. Mobile Food Vehicle shall be the same as a mobile retail food establishments for purposes of complying with state regulations and law.

(2) The requirements of this Chapter shall ***not*** apply to the following persons:

(a) Any person selling fruits, vegetables or farm products grown by himself/herself or other homemade products with or without the help of others at an established farm market within the Town at a stationary location on public or private property. A “farm market” means a collection of three or more persons selling a variety of agricultural products and other homemade products.

(b) Any business or merchant making delivery of food previously ordered by the customer.

(c) Any person selling food as part of a Town approved special event or festival.

(d) Mobile food vehicles hired by private individuals located on private property wherein the food has been paid for in advance and the mobile food vehicles will not be selling food to individual customers.

(B) *License Required.*

(1) Any vendor wishing to operate a mobile food vehicle must first apply for a mobile food license on a form prescribed by the Town Council. The fee shall be One Hundred Fifty Dollars (\$150.00), which shall be paid upon the application being approved by the Town Council. No license will be issued until such fee has been paid to the Clerk-Treasurer's Office.

(2) A religious, charitable or non-profit organization may apply for a "blanket" mobile food vehicle license to allow mobile food vehicles to operate **on property owned by the non-profit corporation** at no cost to the religious, charitable or nonprofit organization.

(3) Vendors shall provide proof of general liability insurance in the amount of not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) aggregate at the time the application is filed.

(4) Separate applications shall be required for each mobile food vehicle owned by a vendor.

(5) The application shall be submitted to the Clerk-Treasurer's Office and forwarded by the Clerk-Treasurer to the Town Council and shall be acted on by the Town Council within thirty (30) days of the date the application is submitted. At the time the application is submitted, the applicant will be provided with a copy of this Chapter and the applicant must acknowledge that they have received and read the Chapter.

(6) If the application is in order, the Town Council shall issue a mobile food vehicle license to the applicant. A license shall be valid for a period of one (1) year from the date of issuance.

(7) Any failure to comply with the regulations in this Chapter may result in the revocation, suspension of the license or the Town not renewing the mobile food vehicle license in addition to possible fines under Section _____. In any situation, the license fee paid by the vendor shall not be reimbursed. Penalties for compliance violations shall be determined by the Town Council.

(C) *General Regulations.*

(1) It shall be unlawful for any person, including any religious, charitable or non-profit organization to operate a mobile food vehicle within the Town without a license unless otherwise exempted by these regulations.

- (2) A mobile food vehicle must hold all requisite federal, state and other health department, business and resale licensures to sell food and beverages and comply at all times with all applicable regulations, statutes and laws for the operation of a mobile food delivery vehicle.
- (3) A separate license is required for each mobile food vehicle owned by a vendor.
- (4) A license issued under this Chapter shall expire one (1) year after the date of issuance.
- (5) Mobile food vehicles shall not be required to obtain a Temporary Use Permit.
- (6) A vendor shall not operate on private property.
- (7) Properly licensed mobile food vehicles may ONLY operate on property owned by a religious, charitable, or non-profit organization (if operating under a “blanket” mobile food vehicle license) OR at the following locations approved by the Town:
 - a. Scamahorn Park.
 - b. Any other location as may be approved by the Town Council.
- (8) The operator of the mobile food vehicle must comply with the motor vehicle laws of the State of Indiana.
- (9) In locations where mobile food vehicles are permitted to operate, mobile food vehicles shall comply with all parking rules.
- (10) Mobile food vehicles shall not interfere with or obstruct the free passage of pedestrians or vehicles along any street, sidewalk, road or parking lot drive aisle or operate in such a way that would endanger the safety or property of the public. On public streets, a mobile food vehicle shall not park within twenty feet (20’) of any intersection, bus stop, crosswalk, driveway, alleyway, building entrance or walk-up window or within fifteen feet (15’) of any fire hydrant. No mobile food vehicle unit may be located in or operate in an alleyway.
- (11) No mobile food vehicle shall be equipped with any external electronic sound.
- (12) Except as provided herein, all signs must be permanently affixed to or painted on the mobile food vehicle and shall not extend more than six inches (6”) from the vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible artificial smoke, vapor, particles or odor; be animated or produce any rotation, motion or movement. Each mobile food vehicle shall be permitted to display one (1) sandwich board sign that does not exceed four feet (4’) in height, two feet (2’) in width, or eight square feet (8 sq. ft.) in total area. Each sandwich board sign shall be located within ten

feet (10') of the location of the mobile food vehicle. Said sandwich board sign shall be removed each day by the license holder.

(13) All exterior lights with over sixty (60) watts shall contain opaque hood shields to direct the illumination downward.

(14) All mobile food vehicles shall offer a waste container for public use which the license holder shall empty at their own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the license holder each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water, grease or oil into the storm water inlets, sanitary sewers or on the street is allowed.

(15) Except as provided by the Town, any power required for the mobile food vehicle located in a public right-of-way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles operating on property owned by a religious, charitable or non-profit organization may use electrical power from the property being occupied, but only with the consent of the property owner. No power cable or equipment shall be extended at or across any Town street or alleyway.

(16) No mobile food vehicle shall be parked on a public street or public parking lot overnight.

(17) Mobile food vehicles may be open to the public only between the hours of 8:00 a.m. and 10:00 p.m. local time.

(18) Mobile food vehicles, as they are temporary in nature, shall not be considered a "use" upon the property which the mobile food vehicle is located for zoning purposes.

(D) *Enforcement; Penalties.*

(1) The Town Council of the Town of Pittsboro, Indiana hereby vests the Town of Pittsboro Police Department with enforcement authority to issue citations for violations of this Chapter.

(2) Violations of this Chapter shall be subject to the penalty and enforcement provisions of § 10.99 of the Code of Ordinances.

APPROVED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF
PITTSBORO, INDIANA BY A VOTE OF ____ AYES AND ____ NAYS THIS ____ DAY
OF _____, 2022.

[Signatures on following page]

TOWN COUNCIL OF THE TOWN OF
PITTSBORO, HENDRICKS COUNTY,
INDIANA:

Jarod Baker, President

William Majeske, Member

Terry Northern Member

Randy Price, Member

Jay Thompson, Member

ATTEST:

Shari Ping, Town Clerk/Treasurer

TOWN OF PITTSBORO, INDIANA

MOBILE FOOD VEHICLE LICENSE APPLICATION

Name of Applicant: _____

Name of Food Vehicle: _____

Owner(s) of Food Vehicle: _____

Address of Owner(s): _____

Phone Number of Owner(s): _____

I hereby acknowledge, under penalties of perjury, that I have received and read a copy of Chapter 112 of the Code of Ordinances which governs mobile food vehicles and, by signing below, agree to abide by the rules and regulations contained therein. I further acknowledge and understand that failure to abide by the rules and regulations may result in the revocation and/or non-renewal of my mobile food vehicles license. Finally, I acknowledge and understand that this application is subject to the approval of the Town Council for the Town of Pittsboro, Indiana.

Date: _____

Signature

Printed Name

*****TOWN USE ONLY*****

Date Application Received: _____ Proof of Insurance: () YES
() NO

Date Application Presented to Town Council: _____

Action of Town Council: () APPROVED
() DENIED

Fee Payment Received: _____

Date License Issued: _____

Date License Expires: _____

TOWN OF PITTSBORO, INDIANA

MOBILE FOOD VEHICLE BLANKET LICENSE APPLICATION

Name of Applicant: _____

Type of Organization (mark all that apply): () Nonprofit Corporation
() Charitable Organization
() Religious Organization

Address of Applicant: _____

Phone Number of Applicant: _____

I hereby acknowledge, under penalties of perjury, that I have received and read a copy of Chapter 112 of the Code of Ordinances which governs mobile food vehicles and, by signing below, agree to abide by the rules and regulations contained therein. I understand and agree that I will be responsible for any mobile food vehicles that operate under the blanket license if so issued. I further acknowledge and understand that failure to abide by the rules and regulations may result in the revocation and/or non-renewal of my mobile food vehicle license. Finally, I acknowledge and understand that this application is subject to the approval of the Town Council for the Town of Pittsboro, Indiana.

Date: _____

Signature

Printed Name and Title

*****TOWN USE ONLY*****

Date Application Received: _____ Proof of Insurance: () YES
() NO

Date Application Presented to Board of Works: _____

Action of Town Council: () APPROVED
() DENIED

Fee Payment Received: _____

Date License Issued: _____

Date License Expires: _____