

## **TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL PROVISIONS**

**111. PEDDLERS AND SOLICITORS**

**112. MOBILE FOOD VENDORS**

## **CHAPTER 110: GENERAL PROVISIONS**

### Section

110.01 Alcoholic beverages

#### **§ 110.01 ALCOHOLIC BEVERAGES.**

Town will authorize certain special sales or spirituous, venous, malt or other intoxicating liquors to be consumed on the premises and within the Town of Spencer, Indiana only upon proper application in accordance with the Indiana Alcoholic Beverages laws and rules in particular in accordance with I.C. 7.1-3-16-5.5 and I.C. 7.1-3-6-3.6.

(Prior Code, Ch. 1, Art. VII)

## CHAPTER 111: PEDDLERS AND SOLICITORS

### Section

#### 111.01 Regulating canvassers and solicitors

##### **§ 111.01 REGULATING CANVASSERS AND SOLICITORS.**

(A) *Registration required.* It shall be unlawful for any person to engage in business as a canvasser or solicitor at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions, or business of any kind, or seeking information or donations without first registering in the Clerk-Treasurer's office. A person shall give his or her and any other persons affiliated with his or her local requested activities complete identification to include a copy of a pictured identification card, his or her signature, employer's name, the nature of the products or service offered, the names of any manufacturers of products or names of organizations he or she represent, and his or her proposed method of operation within the town.

(B) *Fee.* Each registrant shall pay to the Clerk-Treasurer a fee of \$25 for a permit, which will expire 90 days after the date of registration issue.

(C) *Certificate.*

(1) Any person who shows evidence of good character and pays the fee shall be furnished a permit certifying that he or she is registered, and the dates covered by the certificate.

(2) Any person shall, while soliciting or canvassing, carry upon his or her person the certificate and show it when required, to any police officer, person inquiring or being solicited.

(D) *Exceptions.* The provisions of this section shall not apply to officers or employees of the town, country, state or federal government, or any subdivision of such when on official business.

(E) *Revocation.* Any registration may be revoked by the Town Council or Chief Marshal if the registrant violates any ordinances of the town, or violates any state or federal law, or if the registrant ceases to qualify for the registration.

(F) *Consent of occupant.* The practice of going in and/or upon private residences in the town by solicitors, peddlers, itinerant merchants, or transient vendors of merchandise, who were not invited by the owner or occupant of the private residence and who do not immediately leave when requested by the owner or occupant, shall be declared to be a nuisance.

(G) *Hours of operation.* Any person who engages in business as a canvasser or solicitor at residences shall abide by the Town of Spencer hours of operation 9:00 a.m. to 9:00 p.m.

(Prior Code, Ch. 22, Art. XV)

## CHAPTER 112: MOBILE FOOD VENDORS

### Section

112.01	Applicability
112.02	Definitions
112.03	Application, License, and Fees
112.04	Veterans and Not for Profit Organizations Right to License Without Fee
112.05	General Regulations
112.06	Penalties for Violation; Enforcement

### §112.01 APPLICABILITY

The provisions of this section shall apply to all mobile food vendor units that are used to store, prepare, display, or serve food or beverage with or without charge whether operated on public or private property.

This shall not include any person selling fruits, vegetables, or farm products grown by himself/herself or other homemade products at the local Farmers Market.

(Ord 2018-12, passed 9/4/2018)

### §112.02 DEFINITIONS

**BEVERAGE** means any liquid, hot or cold, intended for use in whole or in part for human consumption.

**CERTIFIED FOOD HANDLER** means an individual who is an owner, operator, manager or employee of a food establishment who is responsible for or oversees the storage, preparation, display, or serving of food to the public and holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the State of Indiana Department of Health.

**FARMERS MARKET** a food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers at a fixed location approved by the Town of Spencer.

**FOOD** means any raw, cooked, frozen or processed edible substance intended for use in whole or in part for human consumption

**MOBILE FOOD VENDOR UNIT** means 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, and contains equipment used for the sale and/or preparation of food or beverages and is closed up when not in operation.

**PRIVATE PROPERTY** means any property belonging to a person or entity that is not owned or operated by a governmental entity.

**PUBLIC PROPERTY** means property owned or dedicated for public use by the city, town, or state. This shall include roadways, sidewalks, and rights-of-way under the jurisdiction and control of the Town of Spencer.

**SPECIAL EVENT** means a Town Council approved event that is customarily held annually in the Town of Spencer, including, but not limited to the Spencer Apple Butter Festival, Owen County Fair, or the Spencer Pride Festival.

**VENDOR** means a person or company offering something for sale by means of a mobile food vendor unit.

(Ord 2018-12, passed 9/4/2018)

### **§112.03 APPLICATION, LICENSE, AND FEES**

A. *Application:* Any vendor wishing to operate a Mobile Food Vendor Unit within the corporate boundaries of the Town of spencer must first apply for a Mobile Food Vendor License on a form prescribed by the Spencer Town Board. Separate applications shall be required for each Mobile Food Vendor Unit operating with the Town of Spencer. All applications shall be forwarded to the Spencer Town Clerk-Treasurer and will be reviewed by the Spencer Town Board within 30 days of the date of the application.

B. *Application Fee:* The application fee shall be the sum of \$ \_\_\_\_\_ which shall be paid at the time of application submission. In the event the Mobile Food Vendor License is denied, \$25.00 of the application fee shall be retained to defray the administrative expenses incurred in the investigation and processing of the application, any remainder shall be refunded to the applicant.

C. *Mobile Food Vendor License:* The license shall be valid for the period specified on the license and said period shall not exceed one (1) year from the date of issuance. All licenses shall be prominently displayed on the Mobile Food Vendor Unit. Licenses issued under this section are non-transferable.

(Ord 2018-12, passed 9/4/2018)

**§112.04 VETERANS AND NOT FOR PROFIT ORGANIZATIONS RIGHT TO LICENSE WITHOUT FEE**

A. Any veteran described in IC 10-17-5-2 or IC 10-17-5-1 or any other veteran who holds an honorable discharge from such service issued by the property authorities shall be exempt from the payment of any fee for a license under this chapter. This does not exempt the person from filing the proper application or from complying with all other sections of this chapter.

B. Any organization that is tax exempt under IC 6-2.5-5-21(b)(1)(B), (C), and (D) is exempt from the payment of any fee for a license under this chapter.

(I.C. 25-25-2-1, I.C. 16-18-2-137)(Ord 2018-12, passed 9/4/2018)

**§112.05 GENERAL REGULATIONS**

A. All vendors shall provide proof of general liability insurance in the amount of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate and proof must be submitted at the time of application.

B. All vendors shall provide proof of obtaining the appropriate temporary vendor permits from any State or County Health Department and provide proof of the same with the application.

C. Any applicant for a Mobile Food Vendor License shall comply with all federal and state regulations, including, but not limited to, the requirement for at least one (1) certified food handler. Proof of certifications must be presented at the time of application.

D. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner and the same must be submitted at the time of application.

E. No Mobile Food Vendor Unit shall operate on public property, including streets, sidewalks, or town rights-of-way without the approval of the Spencer Town Board.

F. No Mobile Food Vendor Unit may operate within one block from the perimeter of a special event unless prior approval has been granted by the organizer/operator of the special event.

G. No Mobile Food Vendor Unit shall operate within fifty (50) feet of any façade of a ground level establishment that also sells food or beverages or operate within fifty (50) feet of the perimeter of such an establishments outdoor seating area.

H. A Mobile Food Vendor Unit may not interfere or obstruct the free passage of pedestrians or vehicles along any street, sidewalk, road, or parking lot or operate in such a way that would endanger the public safety or property.

- I. A Mobile Food Vendor Unit shall not park within 20 feet of any intersection, bus stop, crosswalk, driveway, alleyway, building entrance, or walk up window or within 15 feet of any fire hydrant. No Mobile Food Vendor Unit shall be located or operate in an alleyway.
  - J. No Mobile Food Vendor Unit maybe equipped with any external electronic sound.
  - K. Except as otherwise provided herein, all signs must be permanently affixed to or painted on the Mobile Food Vendor Unit and shall not extend more than six inches from the vehicle. No sign shall flash, cause interference with radio, telephone, television, or other communication transmissions; produce or reflect motion pictures, emit visible smoke, vapor, particles or offensive odor; be animated or produce any rotation, motion or movement. Each Mobile Food Vendor Unit shall be permitted to display no more than one (1) sandwich board sign so long as it does not exceed four feet in height, two feet in width, or eight square feet in total area. Each sign must be located within ten (10) feet of the location of the Mobile Food Vendor Unit and shall not obstruct free passage of pedestrians or vehicles along any street, sidewalk, road, or parking area. Said signs must be removed each day by the Vendor.
  - L. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
  - M. All Mobile Food Vendor Units must offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of such Mobile Food Vendor Unit shall be collected and disposed of off-site by the Vendor each day. Vendors shall properly dispose of any gray water, grease or oil.
  - N. Any power required for the Mobile Food Vendor Unit shall be self-contained and shall not require the use of utilities from a public right-of-way.
  - O. No Mobile Food Vendor Unit shall be parked on a public street, alley, or right-of-way overnight.
  - P. Mobile Food Vendor Units may operate between the hours of 8:00 a.m. and 9:00 p.m.
- (Ord 2018-12, passed 9/4/2018)

**§112.06 PENALTIES FOR VIOLATION; ENFORCEMENT**

- A. Penalties for violation of this Chapter are subject to the penalty provisions of §10.99.
  - B. The Town may initiate a civil action in a court of competent jurisdiction to restrain any person from violating the provisions of this Chapter. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code, plus the cost of filing and reasonable attorney fees.
- (Ord 2018-12, passed 9/4/2018)