ORDINANCE 88-15

To Amend Title Four of the Bloomington Municipal Code
Entitled "Business License and Regulations"

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. Section 4.04.110 Lunch Wagon shall be repealed and re-enacted to read as follows:

4.04.110 Lunch Wagon (a) It is unlawful for any person to operate on the public streets, alleys, sidewalks or rights-of-way within the City for gain or profit, any motor, foot propelled, or pushed vehicle, selling or offering for sale articles of food or drink, commonly known and designated as a "lunch wagon" without first obtaining a license to do so. The fee for such license shall be as follows:

(1) Five dollars ($5.00) per vehicle per day, or
(2) Fifty dollars ($50.00) plus five dollars ($5.00) per vehicle per month, or
(3) Three hundred dollars ($300.00) plus ten dollars ($10.00) per vehicle per year.

Provided further, that a foot-propelled bicycle from which only ice cream confections are vended shall be considered a special category of lunch wagon for which the owner of such vehicle shall pay an annual license fee as follows: Twenty-five dollars ($25.00) for the first bicycle so operated, and five dollars ($5.00) for each subsequent bicycle.

Licensees are subject to all relevant City ordinances, including but not limited to those regulating traffic and parking (BMC §§12.04.140, 15.32.140), noise (BMC §14.09.080(2)(A)), advertising (BMC §§14.28.090, 14.28.100, 14.28.110), and nuisances. A licensee shall not ride a bicycle or vehicle on the sidewalk (BMC §15.60.040) or on park grounds (BMC §15.60.020). A licensee operating from a lunch wagon on the sidewalk shall not impede ingress into or egress from structures abutting the sidewalk (BMC §12.04.140), or create an impediment to the free flow of traffic (I.C. 35-42-2-4). Violators may be ticketed. The judgment of the police exercising good faith shall determine whether the vehicle is impeding or inconveniencing either pedestrian traffic, vehicular traffic or the rights of the abutting propoerty owner.

Licensees are subject to all applicable state and local Health Department rules.

(b) It is unlawful for lunch wagons to operate on private property without first having also obtained from the Engineering Department a temporary use permit for that site as required by BMC §20.07.10.00.

Section II. Severability. 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 which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Section III. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of May, 1988.

PAM SERVICE, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of May, 1988.

PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 19 day of May, 1988.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This amendment is to clarify the definition of lunch wagons, to specify where lunch wagons may operate, and to provide notice to owners and/or operators that they are subject to all other relevant sections of the Bloomington Municipal Code.

signed copies: 5/19/88
legal
controller
file - BMC
Police