

## **Proposed Changes to Mobile Food Vendor**

### ***Highlights***

- Creates separate districts within the downtown area and limits operation within those districts:
  - No more than 10 pushcarts and 5 mobile food vendor units within the Kirkwood District.
  - No more than 10 pushcarts and 5 mobile food vendor units within the Restaurant Row District.
- Clarifies that the restriction on operating within fifty feet of a restaurant shall be measured from either the facade of the building or the outer limits of any outdoor seating area.
- Prohibits pushcarts and mobile food vendor units from operating, parking, or locating on public property between the hours of 4:00 a.m. and 7:30 a.m.
- Solicitors shall be prohibited from conducting business in residential neighborhoods or buildings between the hours of dusk and 8:00 a.m.
- Adds new prerequisites for obtaining a license (like proof of registration with the Indiana Secretary of State and proof of an Employer Identification Number).
- Allows location on private property without a temporary use permit as long as they provide written permission from the property owner and the Planning & Transpiration Department reviews and approves a site plan.
- Instead of simply having to maintain trash facilities, pushcarts and mobile food vendor units shall also supply recycling stations.
- Pushcarts or mobile food vendors that qualify as food service establishments must install an approved grease interceptor or grease trap.
- Generators used by pushcarts and mobile food vendor units shall not exceed "60dBa" and they must provide a copy of the manufacturer's specifications on the decibel levels.
- The City can now prohibit the presence of pushcarts and solicitors in certain locations if an emergency is declared or if notice is given 72 hours in advance of the location being restricted.
- The City retains the right to refuse to issue any more than 50 pushcart licenses and any more than 25 mobile food vendor unit licenses.
- The proposal includes nominal fee changes and increased penalties.

Current Ordinance	Starting Concept	Proposed Ordinance
<b><i>Business Licensing</i></b>		
Mobile food vendors currently operate under the same license as itinerant merchants, peddlers, and solicitors.	<p>Mobile food vendors operations differ significantly from other mobile vendor units, and pose different public safety concerns-- from ensuring proper food handling to safe motor vehicle operation.</p> <p>The increase in mobile food vendors operating in Bloomington led the City to undertake creating a separate chapter in the Municipal Code specifically for mobile food vendors that would tackle these issues.</p>	The proposed ordinance would apply to "Mobile food vendor units"--a person who sells, serves, offers for sale, or gives away food or beverages 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 and/or preparation of food or beverages merchandise and is closed up when not in operation". An ice cream truck that does not park or locate in any one place for longer than ten minutes is not considered a mobile food vendor unit for purposes of this Chapter
Applicants are required to obtain a temporary use permit to operate on private property.	Reduce the number of different permit types required for people interested in starting mobile food vendors.	Applicants do not need to obtain a temporary use permit to operate on private property if they have a Mobile Food Vendor License.
NA	Ensure tax compliance and a level playing field, mobile food vendors must prove they meet state requirements for business licensing.	Applicants must submit proof their business is registered with the State of Indiana and proof of their Employer ID Number.
NA	Ensure safety of both the drivers and vehicles operating on City streets.	<p>Applicants must provide proof of: motor vehicle insurance, Indiana vehicle registration, valid driver's license, and state driving record.</p> <p>Mobile food vendors must also now undergo an independent safety inspection every two years. The Chief of Police can require immediate inspections if they have probable cause to believe the vehicle is unsafe.</p>

Current Ordinance	Starting Concept	Proposed Ordinance
NA	Residents raised concerns about the noise created from generators used to power mobile food vendors.	Applicants must now provide the manufacturer's specifications on the decibels generated by their generators. Decibels are capped at 60dBA .
<p>Current Fees:</p> <p>One Day License: \$15</p> <p>Three Day License: \$40</p> <p>Seven Day License: \$75</p> <p>Thirty Day License: \$120</p> <p>Six Month License: \$175</p> <p>One Year License: \$240</p>	To keep fees consistent and up-to-date with other City fees. The proposed ordinance also includes a new, three month license option.	<p>Proposed fees:</p> <p>One Day License: \$25</p> <p>Three Day License: \$30</p> <p>Seven Day License: \$50</p> <p>Thirty Day License: \$75</p> <p>Three Month License: \$150</p> <p>Six Month License: \$200</p> <p>One Year License: \$350</p> <p>In addition, all honorably discharged veterans are nexempt from fees in accordance with State law.</p>

### ***Mobile Food Vendor Unit Locations***

<p>Mobile vendors are restricted from operating:</p> <ul style="list-style-type: none"> <li>• directly in front of the primary entrance for any retail, office or church;</li> <li>• on the same side of the street and within 50 feet of a primary entry way into a retail establishment offering the same type of goods, wares, services, foods, or products; and</li> <li>• in a street or street median strip.</li> </ul>	<p>Clarify the 50 foot restriction, and update location restrictions to reflect where most mobile food vendor business happens--on City streets.</p>	<p>Mobile vendors are restricted from operating:</p> <ul style="list-style-type: none"> <li>• within 50 feet of any façade or outdoor seating of a ground level establishment that also sells food or beverages, regardless of whether or not the mobile food vendor unit is currently conducting business;</li> <li>• in alleyways;</li> <li>• within 10 feet of a fire hydrant;</li> <li>• more than a foot from the curb; and</li> <li>• in an intersection or blocking drivers' line of sight.</li> </ul>
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Current Ordinance	Starting Concept	Proposed Ordinance
NA	Cap the number of mobile food vendors operating within any one zoning district in order to reduce congestion and safety concerns.	<ul style="list-style-type: none"> <li>• No more than four mobile food vendor units shall operate in the Courthouse Square District at any one time.</li> <li>• No more than five mobile food vendor units shall operate in the Kirkwood District at any one time.</li> <li>• No more than five mobile food vendor units shall operate in the Restaurant Row District at any one time.</li> </ul>
NA	Limit commercial activity to areas currently zoned for business and commercial industries.	No mobile food vendor shall locate within any zoning district except the following: Commercial General; Commercial Arterial; Commercial Downtown; Industrial General; Business Park; and Institutional.
NA	Let property owners decide whether a mobile food vendor can operate on their property or not. Provide more flexibility to mobile food vendors to choose operating locations.	Restricts mobile food vendors from operating on private property without written permission from property owners.  Additionally, they must not displace required parking or landscaping nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes.
<b><i>Parking</i></b>		
NA	Lift restrictions on parking to allow mobile food vendors to operate on City streets. Clarify that they must follow the same rules as apply to other parkers.	Must follow all City parking restrictions and ordinances, including feeding meters.

Current Ordinance	Starting Concept	Proposed Ordinance
<b><i>Hours of operation</i></b>		
NA	Place time limitations which would require them to move locations in order to address concerns that mobile food vendors have become semi-permanent.	Restricted from operating or being on public property from 4:00 a.m. to 7:30 a.m.  Cannot be left unattended or parked overnight.
<b><i>Signage</i></b>		
Limited to 1.5 square feet	Increase the 1.5 square foot limit to a size that allows them to effectively advertise.	Allowed to have one sandwich board sign.
<b><i>Trash</i></b>		
NA	Address concerns of residents and local businesses about increased litter around mobile food vendors.	Before leaving any location each mobile food vendor unit shall first pick up, remove and dispose of all trash, refuse and/or recyclable materials, including products spilled on the ground within twenty feet of the mobile food vendor unit.
<b><i>Additional Operations Regulations</i></b>		
NA	Tailor regulation to match food truck operations in order to better protect customers and City residents.	Also required to: <ul style="list-style-type: none"> <li>• Obey law enforcement;</li> <li>• Install grease traps;</li> <li>• Collect and pay sales tax; and</li> <li>• Comply with lighting and vision clearance standards.</li> </ul> Restricted from having: <ul style="list-style-type: none"> <li>• A drive-through;</li> <li>• Customer seating without prior approval; and</li> <li>• A generator louder than 60dBA.</li> </ul>

Current Ordinance	Starting Concept	Proposed Ordinance
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***Additional Safety Regulations***

NA	Add regulations on proper food handling or safety within the mobile food vendor unit.	The proposal includes new regulations on the proper storage and handling of food, equipment and utensils, and restrictions on vermin and hazardous materials.
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***Fines and License Restrictions***

Fine of \$500 for operating without a license	Lower initial fines, but create tiered fine system to punish repeat offenders. Discussions with Council members indicated a preference for tougher penalties.	Fines for the first offense are now \$2,500.00.  New tiered fine structure for repeat offenses: Second offense \$5,000.00, Third Offense \$7,500.00.
Fine of \$250 for not complying with regulations	Lower initial fines, but create tiered fine system to punish repeat offenders. Discussions with Council members indicated a preference for tougher penalties.	Fines for the first offense are now \$250.00.  New tiered fine structure for repeat offenses: Second offense \$500.00, Third Offense \$1,000.00.
NA	Allow city to place cap on licenses if they deem it necessary, and to respond to emergencies.	The City can restrict licenses if it would allow more than 25 to operate in the City at a time  The City can prohibit the presence of mobile food vendors in certain locations if an emergency is declared or if notice is given 72 hours in advance of the location being restricted.