

**ORDINANCE 18-05**

**TO AMEND TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE (BMC)  
ENTITLED "BUSINESS LICENSES AND REGULATIONS"  
(Amending Chapter 4.28, entitled "Mobile Vendors," to  
Provide for Appeal of Adverse Actions to the Board of Public Works)**

- WHEREAS, BMC Title 4, entitled "Business Licenses and Regulations," licenses and regulates certain businesses operating within the City; and
- WHEREAS, BMC Chapter 4.28, entitled "Mobile Vendors," licenses and regulates what are commonly known as "food trucks"; and
- WHEREAS, under Chapter 4.28, the City may deny an application for a license and may also revoke, suspend, or impose a penalty for certain violations of this chapter; and
- WHEREAS, while Chapter 4.28 provides for an appeal of denial of applications for a license, it does not explicitly provide a process for appeal to holders of business licenses who have had the license revoked or suspended, or who have incurred a penalty under this chapter; and
- WHEREAS, the denial, revocation and suspension of a license along with the imposition of a penalty by the City under this chapter are actions adverse to the applicant or holder of a business license, and the municipal code should provide them with a uniform process to appeal these adverse actions;

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

SECTION 1. Bloomington Municipal Code (BMC) Title 4, entitled "Business Licenses and Regulations," Chapter 28, entitled "Mobile Vendors," Section 100, entitled "Business License – Issuance," Part (c), shall be amended by striking the text after the first sentence so that it shall read as follows:

- (c) Failure of the controller to issue a license within fourteen (14) days of completion of the application constitutes denial of the application.

SECTION 2. BMC Chapter 4.28 shall be further amended by adding a new Section 4.28.200, entitled "Appeals," which shall be inserted into the table of contents for this chapter and shall read as follows:

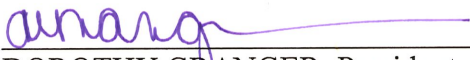
**4.28.200 Appeal.**

Any applicant or licensee aggrieved by the action of the City Controller in the denial, suspension or revocation of a license or any person who is issued a citation shall have the right of appeal to the Board of Public Works. Such appeal shall be taken by filing with the Board of Public Works within ten (10) working days of the action complained of, a written statement setting forth fully the grounds for the appeal. The decision and order of the Board of Public Works on such appeal shall be final and conclusive.


SECTION 3. 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 ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20<sup>th</sup> day of April, 2018.  
18<sup>th</sup> d.

  
DOROTHY GRANGER, President  
Bloomington Common Council

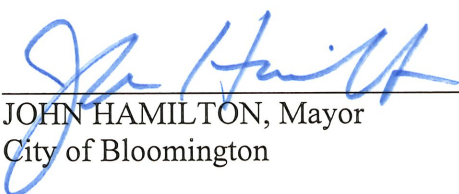
ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20<sup>th</sup> day of April, 2018.

  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 20<sup>th</sup> day of April, 2018.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends BMC Chapter 4.28 which provides for the licensing and regulation of “Mobile Vendors,” which are more commonly known as “food trucks.” While this chapter currently provides an applicant with an opportunity to appeal a denial of this business license, it does not explicitly offer a process by which a holder of this business license may appeal the revocation or suspension of the license or the imposition of a penalty for violation of a provision of this chapter. This ordinance provides the applicant for, or holder of, this business license with an opportunity to appeal any of these adverse actions to the Board of Public Works.