



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

Special Session on Wednesday, March 30, 2005 at 7:30 p.m. in the Council Chambers (prior to the Committee of the Whole)

Legislation and Background Material for First Reading at the Special Session and Discussion at the Committee of the Whole on March 30th:

Ord 05-10 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses Generally" (Amending Chapter 4.04.110 Entitled "Lunch Wagon" by Disallowing Lunch Wagons from Operating Near the Farmers' Market When the Market is Open)

- Memo from Mick Renneisen, Director of Parks and Recreation;
Excerpts from BMC 4.04 Annotated with Proposed Changes

Contact: Marcia Veldman at 349-3738 or veldmann@bloomington.in.gov

Other Legislation for Discussion:

Ord 05-09 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: Brick Streets in University Courts (Bloomington Historic Preservation Commission, Petitioner)

(Please see the packet for the March 23rd Regular Session for the legislation, summary, and background material.)

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Memo

Chair of Meeting: Sabbagh

Special Session and Committee of the Whole on Wednesday, March 30th

As a result of your decision on last Wednesday night, the Council will hold a Special Session immediately followed by a Committee of the Whole next Wednesday. The

Special Session will be for the purpose of introducing **Ord 05-10** (which prohibits Lunch Wagons around the Farmers' Market) so that it can join **Ord 05-09** (which designates the brick streets in the University Courts area as a historic district) on the Committee of the Whole agenda later that evening. The first of these items can be found in this packet and the second can be found in the packet distributed for the Regular Session on March 23rd.

First Readings

Ord 05-10 – Amending Chapter 4.04.110 by Barring “Lunch Wagons” from Operating Near the Farmers’ Market When the Market is Open

Ord 05-10 would amend Chapter 4.04 (Business Licenses Generally) in order to prohibit “lunch wagons” from operating near the Farmers’ Market during the Market season and establish a \$100 fine for those who violate this provision.

As noted in the memo from Mick Renneisen, Administrator of the Parks and Recreation Department, this proposal comes forward from the Board of Parks and Recreation via the Farmers’ Market Advisory Council. The Market has grown since it moved to the Showers Center in 1998 and has attracted non-Market vendors who offer their food and goods to Market patrons just outside the Market proper. These non-Market vendors may obtain a license to operate for less money than the Market vendors and are free to offer a wider range of goods than allowed at the Market. This proposal would regulate what can be sold on the streets in the vicinity of the Market, support Market vendors, and remove some obstructions within the right-of-ways at a very busy time.

Regulations for Market Vendors

Market vendors pay a fee for their seasonal space(s) at the Market and sign a contract that controls the type and quality of goods they may sell. The fees range from \$78 to \$230 for regular vendors and \$690 plus 10% of the gross proceeds for the Café vendor, who has an exclusive opportunity to sell food and beverages to Market patrons.

A Synopsis of Chapter 4.04 “Business Licenses Generally”

Chapter 4.04 requires certain businesses to obtain a license from the City Controller and display the license when requested by City officials. Those businesses include carnivals, circuses, lunch wagons, merry-go-rounds, museums, shooting galleries,

skating rinks, theatres, and pool halls, but do not include these activities when operated by charitable organizations. The fee for the license ranges from \$25 per year for theaters to \$500 per day for carnivals. The Board of Public Works may revoke a license after notice and a hearing, and upon finding that the licensee: lied on the application, committed fraud when selling its goods, or conducted the business in a manner that violates this chapter, other laws, or breaches the peace or creates a nuisance. Appeals of a denial or revocation of a license are heard by the Common Council.

Lunch Wagons

Section 4.04.110 requires persons who sell food or drink in the public right-of-way from vehicles (whether or not motorized) to obtain a license for a daily, monthly or annual fee. Those fees are \$5 per vehicle per day, \$50 plus \$5 per vehicle per month, and \$300 plus \$10 per vehicle per year (except for ice cream vendors on bicycles which have a \$25 plus \$5 per vehicle per year fee).

Licensees must abide by state and local health regulations and all relevant provisions of the local code. The latter generally relate to traffic and parking, noise, advertising, and nuisances, but also require licensees to obtain a temporary use permit if they operate from private property. The police may ticket licensees violating local code.

Proposed Changes

This ordinance would prohibit lunch wagons from operating in the vicinity of the Farmers' Market, specifically Seventh Street between College and Rogers, Eight Street between College and Rogers, Morton Street from Sixth to Tenth Streets, and Tenth Street from College to Rogers Street, from 6:00 a.m. until 1:00 p.m. on Saturdays from the first Saturday in April until December 31 each year, and from 2:00 p.m. until 6:00 p.m. on Tuesdays from the first Tuesday in June until September 30 each year. The ordinance would also authorize the police or other personnel designated by the Office of the Mayor to issue a Notice of Violation for any violation of this section of the code and impose a fine of \$100.

Accompanying Information

Further in this packet you will find the proposed ordinance, the memo from Mick Renneisen, Director of Parks and Recreation, and a document tracking the proposed changes against the current Bloomington Municipal Code.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, MARCH 30, 2005
COUNCIL CHAMBERS
SHOWERS CENTER, 401 N. MORTON**

SPECIAL SESSION

I. ROLL CALL

II. LEGISLATION FOR FIRST READING

1. Ordinance 05-10 To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses Generally” (Amending Chapter 4.04.110 Entitled “Lunch Wagon” by Disallowing Lunch Wagons from Operating Near the Farmer’s Market When the Market is Open)

III. ADJOURNMENT

COMMITTEE OF THE WHOLE

Chair: David Sabbagh

1. Ordinance 05-10 To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses Generally” (Amending Chapter 4.04.110 Entitled “Lunch Wagon” by Disallowing Lunch Wagons from Operating Near the Farmers’ Market When the Market is Open)

Asked To Attend: Marcia Veldman, Community Events Program
 Coordinator, Department of Parks & Recreation

2. Ordinance 05-09 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Establish a Historic District – Re: Brick Streets in University Courts (Bloomington Historic Preservation Commission, Petitioner)

Asked to Attend: Nancy Hiestand, Housing and Community Development

City of
Bloomington
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of March 27- April 1, 2005
Date: March 24, 2005

Sunday, March 27, 2005

Happy Birthday to Council Member Chris Sturbaum!

Monday, March 28, 2005

5:30 pm Human Rights Commission, McCloskey

Tuesday, March 29, 2005

4:00 pm Jack Hopkins Social Services Funding Technical Assistance Meeting, McCloskey

Wednesday, March 30, 2005

7:30 pm Common Council, Special Session immediately followed by a
Committee of the Whole, Council Chambers

Thursday, March 31, 2005

10:30 am County Address Coordination, McCloskey

Friday, April 1, 2005

There are no meetings scheduled for today.



City of Bloomington
Office of the Common Council

MEETING NOTICE

THE COMMON COUNCIL WILL HOLD A
SPECIAL SESSION MEETING ON
WEDNESDAY, MARCH 30, 2005 AT 7:30 P.M.

THE SPECIAL SESSION WILL IMMEDIATELY
PRECEDE A PREVIOUSLY-SCHEDULED
COMMITTEE OF THE WHOLE MEETING.

BOTH MEETINGS WILL BE HELD IN THE
COUNCIL CHAMBERS, LOCATED AT
401 NORTH MORTON STREET.

ORDINANCE 05-10

**TO AMEND TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“BUSINESS LICENSES GENERALLY”
(Amending Chapter 4.04.110 Entitled “Lunch Wagon” by Disallowing Lunch Wagons
from Operating Near the Farmers’ Market When the Market is Open)**

WHEREAS, Bloomington Municipal Code Section 4.04.110 contains provisions regulating lunch wagons in the public streets, alleys, sidewalks and rights-of-way of the City of Bloomington, and requires that persons selling food or drink from moveable vehicles in the public rights-of-way must obtain a lunch wagon license pursuant to said section, and that persons operating a lunch wagon on private property must obtain a temporary use permit; and

WHEREAS, the City of Bloomington sponsors a Farmers’ Market near the Showers Building, 401 North Morton Street, on Saturday mornings and Tuesday afternoons during certain seasons of the year, at which vendors must contract with the City to sell their merchandise within the market and must agree to comply with the regulations of the market; and

WHEREAS, it is desirable to protect the character of the Farmers’ Market and the vendors who have contracted with the City to sell at the Market by disallowing the sale of food and drink in public right-of-way near the Market during the hours the Market is in operation;

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

SECTION I. Section 4.04.110 of the Bloomington Municipal Code entitled “Lunch Wagon” shall be deleted and replaced with the following:

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 per vehicle per day, or
- (2) Fifty dollars plus five dollars per vehicle per month, or
- (3) Three hundred dollars plus ten dollars 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 for the first bicycle so operated, and five dollars for each subsequent bicycle.

Licensees shall not operate lunch wagons from 6:00 a.m. until 1:00 p.m. on Saturdays from the first Saturday in April until December 31 each year, and from 2:00 p.m. until 6:00 p.m. on Tuesdays from the first Tuesday in June until September 30 each year, on public right-of-way (including, but not limited to, sidewalks, streets, and any tree plots) at the following locations: Seventh Street between College and Rogers, Eighth Street between College and Rogers, Morton Street from Seventh to Tenth Streets, and Tenth Street from College to Rogers Street.

Licensees are subject to all relevant city ordinances, including but not limited to those regulating traffic and parking (BMC Sections 12.04.140, 15.32.140), noise (BMC Section 14.09.080(2)(A)), advertising (BMC Sections 14.28.090, 14.28.100, 14.28.110), and nuisances. A licensee shall not ride a bicycle or vehicle on the sidewalk (BMC Section 15.60.040) or on park grounds (BMC Section 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 Section 12.04.140), or create an impediment to the free flow of traffic (IC 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 property 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 Section 20.06.07.00 (Ord. 88-15 § 1, 1988).

(c) Enforcement

(1) Enforcement of this section shall be implemented by Bloomington Police Department, or other such personnel as designated by the Office of the Mayor.

(2) Upon finding that any provision of 4.04.110 has been violated, the enforcement designee(s) shall issue a notice of violation (NOV) to the person(s) responsible for the violation. For purposes of this enforcement, the person(s) responsible shall include any person who owns, manages, operates or otherwise controls the use of a lunch wagon. The NOV shall be in writing and shall be served upon the person(s) responsible for the violation by one or more of the following methods: delivery in person or by first class mail. The NOV shall state:

- a. The date of the violation;
- b. The location of the violation;
- c. The nature of the violation;
- d. The fine assessed for the violation;
- e. That the fine is to be paid within seven (7) days at the city legal

department; and

- f. That the fine may be contested in the Monroe County Circuit Courts.

(3) In addition to the issuance of an NOV, the city legal department is authorized to seek any other remedy at law, including but not limited to injunctive relief, in order to enforce this provision.

(d) Violations and Penalties

(1) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of a lunch wagon to fail to comply with any of the provisions of 4.04.110.

(2) The fine assessed for a violation shall be one hundred dollars (\$100).

(3) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

SECTION II. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 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 of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Bloomington Municipal Code 4.04.110 to prohibit lunch wagons from operating in the vicinity of the Farmers' Market, specifically Seventh Street between College and Rogers, Eighth Street between College and Rogers, Morton Street from Seventh to Tenth Streets, and Tenth Street from College to Rogers Street, from 6:00 a.m. until 1:00 p.m. on Saturdays from the first Saturday in April until December 31 each year, and from 2:00 p.m. until 6:00 p.m. on Tuesdays from the first Tuesday in June until September 30 each year. The ordinance provides for enforcement by issuance of a Notice of Violation and sets the fine for violation at \$100.



City of Bloomington
Parks & Recreation

Memorandum

TO: Council Members
FROM: Mick Renneisen, Administrator
DATE: March 18, 2005
SUBJECT: **PROPOSED AMENDMENT TO TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "BUSINESS LICENSES GENERALLY" AMENDING CHAPTER 4.04.110 ENTITLED "LUNCH WAGON" BY REVISING THE HOURS DURING WHICH LUNCH WAGONS MAY BE OPERATED NEAR THE FARMERS' MARKET**

BACKGROUND

The Farmers' Market has grown tremendously since the move to Showers Common. In 1997 the Market averaged 58 farm vendors per Market day. In 2004 the average number was 97 farm vendors. Likewise customer attendance has increased dramatically from an average of 2,500 per week in 1997 to 3,883 in 2004. Overall this growth has been extremely positive for the Market and the community as a whole. However this rapid growth also presents challenges.

Market vendors pay a fee ranging from \$78-\$230 for their seasonal space, April through December, in the Market site. The Café vendor, who provides food and beverage service to Market patrons, pays \$690 (3 spaces) plus 10% of gross proceeds (approximately another \$3,000) for the exclusive opportunity to vend in the market. Market vendors are held to a strict set of rules and regulations regarding the type and quality of the items they sell at Market in the contract they sign with the City of Bloomington.

Challenges - Non-Market Vendors

In recent years non-market vendors have chosen to sell a variety of products just outside of the boundaries of the Market. This year a mobile coffee truck and an ice cream vendor have set up outside the Market nearly every week. In addition, there have been people selling paintings and cicada necklaces. In previous years non-Market vendors have sold shrimp, paintings, tickets to events, and other items.

Non-Market vendors can obtain a General Business License from the City Controllers Office to operate a "lunch wagon." These licenses are available for between \$5 a day up to \$300 per year to sell "articles of food or drink" in various public places with some restrictions as to where and how they may sell. The license enables the holder to sell these articles in close proximity to the Market site. This creates an environment where Market vendors and the Café vendor are placed at a competitive disadvantage in comparison to the non-market vendors who can set-up directly adjacent to the Market site and capitalize on the large number of Market patrons. In addition, there is no regulation of the types or quality of the food items being sold with this license outside of the Market boundary. (The sale of non-food items in the public right-of-way is covered by provisions of the Bloomington Municipal Code. But until there are regulations regarding food items as well, enforcement of those provisions might appear to discriminate against the non-food "street" vendors.)

Parks and Recreation staff, with input from the Farmers' Market Advisory Council, gives sincere, careful consideration to decisions regarding the management of the Market, working hard to insure that changes and developments fulfill the spirit and mission of the Market and help ensure the safety of Market participants.

When a non-market vendor chooses to circumvent these rules by selling outside the boundaries of the Market it has a negative impact on the Market in a number of ways.

- 1) It is not fair to Market vendors who follow the rules and limit their product sales to what is allowed by the Market. We have terminated several farm vendor contracts for breaching the contract. If those vendors were aware that they could get a license and set up outside the Market they would.
- 2) It is not fair to vendors who pay fees to support the Market.
- 3) It sets a negative precedent. This past season, a Market vendor was selling something they were not allowed to sell. When they were informed of this, they moved their stand 15 feet to be outside the boundaries and sold from there.
- 4) It creates safety problems. The area around the Market is often congested with traffic on Saturday mornings. Having non-Market vendors set up where they choose adds to this congestion. For example, where the mobile coffee truck parked made it difficult for customers to see traffic and drivers to see pedestrians.

RECOMMENDATION

The recommended change to this ordinance amends Bloomington Municipal Code 4.04.110 to prohibit lunch wagons from operating in the vicinity of the Farmers' Market, specifically Seventh Street between College and Rogers, Eighth Street between College and Rogers, Morton Street from Sixth to Tenth Streets, and Tenth Street from College to Rogers Street, from 6:00 a.m. until 1:00 p.m. on Saturdays from the first Saturday in April until December 31 each year, and from 2:00 p.m. until 6:00 p.m. on Tuesdays from the first Tuesday in June until September 30 each year. The ordinance provides for enforcement by issuance of a Notice of Violation and sets the fine for violation at \$100.

The above provision removes the competitive advantage of the non-Market vendors and protects the Market vendors and patrons.

Respectfully Submitted,

Mick Renneisen
Administrator

<p>strike – proposed deletion bold – proposed addition ▶ -- relevant section</p>
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CHAPTER 4.04.110 “LUNCH WAGON”

AS AMENDED BY ORDINANCE 05-10

Section 1 of Ord 05-10 deletes Chapter 4.04.110, “Lunch wagon” and replaces it with a new “Lunch wagon” Chapter that: 1) prohibits the operation of lunch wagons within the vicinity of the Farmers’ Market and 2.) provides enforcement and penalty provisions.

**Title 4
BUSINESS LICENSES AND REGULATIONS**

Chapters:

- 4.04 Business Licenses Generally**
- 4.16 Itinerant Merchants**
- 4.18 Pawnbrokers**
- 4.20 Secondhand Dealers**
- 4.24 Taxicabs**
- 4.28 Jitneys**
- 4.30 Horse-drawn Vehicles for Hire**

**Chapter 4.04
BUSINESS LICENSES GENERALLY**

Sections:

- 4.04.010 Issuance generally—Payment of fee—Duration—Proration.**
- 4.04.020 Display.**
- 4.04.030 Charitable organizations excepted.**
- 4.04.060 Carnival.**
- 4.04.070 Circus.**
- 4.04.110 Lunch wagon.**
- 4.04.120 Merry-go-round.**
- 4.04.130 Museum.**
- 4.04.150 Shooting gallery.**
- 4.04.160 Skating rink.**
- 4.04.170 Theater.**
- 4.04.180 Poolroom—Billiard room— Bowling alley.**
- 4.04.190 General procedure for revocation of license.**
- 4.04.200 General appeal procedure.**

4.04.010 Issuance generally—Payment of fee—Duration—Proration.

All licenses mentioned that are issued under this chapter or any section thereof shall be issued by the city controller upon application to him and payment to him of the correct license fee. All such licenses shall be issued under this chapter for a period of one year unless otherwise specified and shall expire on the thirty-first day of December of the year in which they are issued unless otherwise specifically set forth in each particular license. In the event of an application for a license to go into effect at any time after the first of January of any calendar year, the applicant shall be required to pay for the license a prorata part for the

portion of the year remaining up to the last day of December of that year; provided, however, that no calendar month shall be divided in making such computation and that any portion of a calendar month shall be counted as one month in the computations of time for such remaining portion of the year. (Prior code § 15-1).

4.04.020 Display.

Any person transacting any business or engaging in any activity requiring a license under the provisions of this title shall exhibit the same, whenever requested to do so by any peace officer, patrolman, inspector, city officer or any patron or prospective patron. Any person exempt from the licensing requirements of this title may apply for an exemption certificate from the city controller's office. (Ord. 89-31 § 1, 1989; prior code § 15-2).

4.04.030 Charitable organizations excepted.

No license shall be required under this title from any church, school, benevolent or fraternal organization, nor from any committee thereof, for doing any act under this title, where the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes. (Ord. 89-31 § 2, 1989; prior code § 15-3).

...

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 per vehicle per day, or
- (2) Fifty dollars plus five dollars per vehicle per month, or
- (3) Three hundred dollars plus ten dollars 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 for the first bicycle so operated, and five dollars for each subsequent bicycle.

► **Licensees shall not operate lunch wagons from 6:00 a.m. until 1:00 p.m. on Saturdays from the first Saturday in April until December 31 each year, and from 2:00 p.m. until 6:00 p.m. on Tuesdays from the first Tuesday in June until September 30 each year, on public right-of-way (including, but not limited to, sidewalks, streets, and any tree plots) at the following locations: Seventh Street between College and Rogers, Eighth Street between College and Rogers, Morton Street from Seventh to Tenth Streets, and Tenth Street from College to Rogers Street.**

Licensees are subject to all relevant city ordinances, including but not limited to those regulating traffic and parking (BMC Sections 12.04.140, 15.32.140), noise (BMC Section 14.09.080(2)(A)), advertising (BMC Sections 14.28.090, 14.28.100, 14.28.110), and nuisances. A licensee shall not ride a bicycle or vehicle on the sidewalk (BMC Section 15.60.040) or on park grounds (BMC Section 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 Section 12.04.140), or create an impediment to the free flow of traffic (IC 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 property 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 Section ~~20.07.10.00~~ **20.06.07.00** (Ord. 88-15 § 1, 1988).

►

► (c) **Enforcement**

(1) **Enforcement of this section shall be implemented by Bloomington Police Department, or other such personnel as designated by the Office of the Mayor.**

(2) **Upon finding that any provision of 4.04.110 has been violated, the enforcement designee(s) shall issue a notice of violation (NOV) to the person(s) responsible for the violation. For purposes of this enforcement, the person(s) responsible shall include any person who owns, manages, operates or otherwise controls the use of a lunch wagon. The NOV shall be in writing and shall be served upon the person(s) responsible for the violation by one or more of the following methods: delivery in person or by first class mail. The NOV shall state:**

- a. **The date of the violation;**
- b. **The location of the violation;**
- c. **The nature of the violation;**
- d. **The fine assessed for the violation;**
- e. **That the fine is to be paid within seven (7) days at the city legal department; and**
- f. **That the fine may be contested in the Monroe County Circuit Courts.**

(3) **In addition to the issuance of an NOV, the city legal department is authorized to seek any other remedy at law, including but not limited to injunctive relief, in order to enforce this provision.**

(d) **Violations and Penalties**

(1) **It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of a lunch wagon to fail to comply with any of the provisions of 4.04.110.**

(2) **The fine assessed for a violation shall be one hundred dollars (\$100).**

(3) **Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section.**

...

4.04.190 General procedure for revocation of license.

(a) In the absence of a specific revocation procedure contained in any chapter herein, any license issued pursuant to this Title may be revoked by the Board of Public Works of the City of Bloomington after notice and hearing for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3) Any violation of this Title;
- (4) Conducting the business licensed under this chapter in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing; such notice shall be mailed, postage prepaid, to the licensee at his last known address at least ten (10) days prior to the date set for the hearing. (Ord. 84-14 § 6 (part), 1984).

4.04.200 General appeal procedure.

In the absence of specific appeal procedure contained in any chapter herein, any person aggrieved by the decision of the City Controller in regard to the denial of application for a license as provided for in this Title, or by a decision of the Board of Public Works in connection with the revocation of a license as provided herein, shall have the right to appeal to the Common Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the decision of the Controller or Board of Public Works has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person by registered or certified mail, return receipt requested, at least ten (10) days prior to such hearing date. The order of the Council on such appeal shall be final. (Ord. 84-14 § 6 (part), 1984).