

## GENERAL ORDINANCE No. 2, 2016

**General Ordinance # 2, 2016**, is an ordinance that amends Chapter 115 of the Code of Ordinances for the City of Beech Grove..

**WHEREAS;** It has been determined that rules and regulations are outdated for food vehicles and vendor carts doing business in the city limits.

**WHEREAS;** to ensure the safety and privacy for the citizens of Beech Grove the Common Council should re-establish requirements for food vehicles and vendor carts selling food items in the city.

**NOW THEREFORE BE IT ORDAINED** that the Common Council desires to amend Chapter 115 of the Code of Ordinances of the City of Beech Grove.

**NOW THEREFORE BE IT ORDAINED** that the Common Council desires that the following amendment be added to Chapter 115.

**DELETE Sections 115.21, Section 115.22, Section 115.24, Section 115.25, and Section 115.26 and replace with the following:**

### **SECTION 115.21 LICENSE REQUIRED**

(A) No person, company or organization unless excluded herein, shall peddle any kinds of non prepared food including produce, meat, ice cream, sandwiches, drinks and candy in a residential neighborhood, on a public street, in a public right a way or easement.

(B) License shall be required for any person, company and organization who prepares and sells food or drinks from either a food vehicle or vendor cart. (License is waived if vendor is working under a Master Vendor's License or if the vehicle or cart is on private property).

### **SECTION 115.22 APPLICATION FOR A LICENSE**

(A) An annual license fee of \$99.00 shall be required per individual food vehicle or food cart that prepares food and beverages for sale within the City of Beech Grove. (Fee and License is waived if vendor is working under a master vendor license or if vehicle or cart is on private property.)

(B) Each individual food vehicle and food cart shall prominently display their most recent Marion County Health Department Certificate. (Certificate shall be within the last calendar year.)

(C) The Chief of Police, Department of Compliance/Fire Prevention shall often as necessary conduct an inspection to ensure that the food vehicle or food cart is properly licensed and operating within the confines of the law.

(D) The operator of the food vehicle or food cart, and or the master vendor shall provide a proof of insurance certificate holding the City of Beech Grove as additionally insured prior to the issuance of a license or permit. Insurance Certificate shall have a minimum of a one million dollar liability.

(E) The license period begins on January 1st of each year and ends on December 31st of the same year and shall only be valid for the calendar year issued.

(F) The Clerk Treasurer shall issue the applicant a license upon approval of the Board of Public works and Safety and after an inspection by the Police Chief and Compliance/Fire Prevention. The licensee shall post the license on the food vehicle or food cart for public inspection.

#### **SECTION 115.23 LICENSE RESTRICTIONS.**

No licensee shall advertise his approach or product through the use of loudspeaker equipment, music, horn, whistle, or other mechanical or automatic noisemakers. ('67 Code, 113.04) (Ord. 7-1959, passed 6-1-59) Penalty, see 115.99

#### **SECTION 115.24 LICENSE SUSPENSION; HEARING**

(A) Suspension. When a licensee is convicted of an ordinance violation or the health department revokes their permit to operate, the Board of Public Works and Safety may immediately suspend the license of the violator. Suspension notice shall be mailed by the Board to the licensee at the address in his application form on file with the city. On receipt of the notice, the licensee shall have no further operating privileges under his license.

(B) Hearing. The Board of Public Works and Safety may hold a hearing on the suspension if so requested by the suspended licensee. The Board shall determine whether the license shall be reinstated or revoked at the time of the hearing. ('67 Code, 113.07) (Ord. 7-1959, passed 6-1-59)

**NOW THEREFORE BE IT ORDAINED** that the Common Council desires to amend Chapter 115 Vendors License.

**NOW THEREFORE BE IT FURTHER ORDAINED** that this ordinance shall only apply to Chapter 115 of the Code of Ordinances and no other section.

**NOW THEREFORE BE IT FURTHER ORDAINED** that this ordinance shall go into effect 30 days after passage by the Common Council, signed by the Council President Pro-Tem, attested by the Clerk Treasurer and signed by the Mayor.