



MOBILE FOOD VENDOR APPLICATION

Submit applications to Jennifer Everitt at jeveritt@pendleton.in.gov

1. VENDOR INFORMATION

Business Name

Contact Person

Phone Number

Email Address

Brief Description of Mobile Food Vendor

Proposed Vending Dates

Proposed Location of Vending

2. INSURANCE INFORMATION

Mobile Food vendors who locate on public property shall provide certificates of insurance with the permit application.

a. The Town of Pendleton shall be listed as a certificate holder and additional insured on all certificates of insurance.

b. If located in a public park, Pendleton/Fall Creek Township Park District shall be listed as an additional certificate holder and additional insured in addition to the Town of Pendleton.

c. At a minimum, coverage limits must be as follows: Each Occurance: \$1,000,000; General Aggregate: \$2,000,000; Products - Comp/Op Aggregate; \$2,000,000 (attach to this application).

Insurance Carrier Name

Contact Person

Email Address

Phone Number

3. SIGNATURE

By signing and submitting this mobile food vendor application, the applicant agrees to indemnify, defend, and hold harmless the Town of Pendleton and the Pendleton/Fall Creek Township Park District, their agencies, employees, and volunteers from any liability (including reasonable attorney's fees and costs) due to loss, damage, injuries, or other casualties of whatever kind, to person or property arising out of the mobile vending activity for which this application is being submitted. I have read and understand the attached set of regulations and agree to abide by these rules.

Authorized Signature

Date

Department Use Only

Application Received

Permit Issued

Permit Number

Check Number

Receipt Number

Permit Expires



ORDINANCE NO. 23-09

**AN ORDINANCE OF THE TOWN OF PENDLETON, MADISON COUNTY, INDIANA,
ESTABLISHING AN ORDINANCE GOVERNING MOBILE FOOD VENDORS AS AN
AMENDMENT TO CHAPTER 111 OF THE CODE OF ORDINANCES**

Recitals

WHEREAS, the Town Council (the “Council”) of the Town of Pendleton (the “Town”) finds that it is reasonable and necessary to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the Town by establishing an Ordinance governing Mobile Food Vendors within the Town’s limits; and

WHEREAS, the Town Council found it necessary to amend and restate Ordinance No. 2015-02 by virtue of Ordinance No. 23-09 to clarify that such Ordinance does not apply to Mobile Food Vendors; and,

WHEREAS, the Town Council now finds it necessary to establish a separate Ordinance herein governing Mobile Food Vendors; and,

WHEREAS, the Town Council finds that the proposed Mobile Food Vendor Ordinance maintains public order and safety, providing continued municipal support.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

I. DEFINITIONS AND EXEMPTIONS

- A. **MOBILE FOOD VENDOR** – A vendor who sells prepared food and beverages from a mobile vehicle that remains parked for more than ten (10) minutes at a time at any given location. Other types of food vendors may require a peddler’s permit.
- B. **VEHICLE DEFINITIONS**
 - 1. Food truck – A motorized, self-propelled vehicle.
 - 2. Food cart – A non-motorized vehicle.

3. Food trailer – Any vehicle that by design requires the aid of a motorized vehicle to move.
- C. EXEMPT - Mobile food vendors who are included as a Special Event authorized by the Town.

II. GENERAL REGULATIONS

- A. All food trucks, food carts, and food trailers shall have current and proper vehicle registration and license as required by state and local laws, ordinances or regulations.
- B. Mobile food vendors shall not impede or endanger pedestrian or vehicular traffic at any time and shall be positioned in a manner that facilitates traffic and pedestrian safety.
- C. Mobile food vendors shall not operate within one block (approximately four hundred (400) feet) of a Special Event without written permission of the event sponsor.
- D. Mobile food vendor operations are only permitted between 7 am and 11 pm; no overnight parking is permitted.
- E. Mobile food vendors shall not make use of external speakers or create noise in violation of Chapter 97: Noise Control of the Code of Ordinances.
- F. Customer seating is not allowed unless specified in the permit.
- G. Each mobile food vendor must provide a sufficient number of trash receptacles for customer use. Receptacles shall be emptied before they are full and at the end of operations. Public receptacles are not to be considered a substitute for the mobile food vendor's trash receptacle. Trash and fluids are not to be emptied into stormwater drains.
- H. Waste materials shall be removed at the end of day by the food vendor, and vendors shall make every effort to conceal waste material from customers' view.
- I. Mobile food vendors shall not use utilities drawn from the public right-of-way without permission by the Town.
- J. Mobile Food vendors shall not be located within fifty (50) feet of a business that a) possesses a valid Madison County Health Department permit to operate a restaurant and b) open during its regular business hours, as those hours are provided by the business to the Pendleton Police Department and Pendleton Town Manager.

III. PUBLIC PROPERTY OR PUBLIC RIGHT OF WAY REGULATIONS

- A. A mobile food vendor must obtain a Pendleton Mobile Food Vendor permit to operate in the public right-of-way or on public property.
- B. Mobile food vendors may only conduct food preparation or serving operations on streets and/or parking lots closed to vehicle traffic, and/or areas as specified on the permit.

- C. The Town retains the right to require a Special Event Permit for closures involving public rights-of-way and roadways.
- D. If not conducting food preparation and/or serving operations, a Mobile Food Vendor vehicle shall be parked in a manner in accordance with all relevant parking laws, ordinances and regulations and in a safe manner.
- E. In addition to any signage on or attached to the vehicle, one A-frame sign is permitted within ten (10) feet of a mobile food vendor who is open for business for the purpose of advertising. The sign must not impede pedestrian, or vehicular traffic.
- F. Mobile food vendors located on public property or right-of-way shall provide a certificate of insurance and proof of auto insurance (if applicable) with their permit application(s).

PRIVATE PROPERTY REGULATIONS

- A. A Pendleton Mobile Food Vendor Permit is NOT required for operations on private property.
- B. If located on private property, the mobile food vendor must obtain the property owner's permission in writing if the property owner is not present.
- C. Mobile food vendors serving private events shall be fully on private property, without encroachment on public right-of-way.
- D. Mobile food vendors located on private property are still subject to all Pendleton Town Codes.

PERMITS, LICENSES, AND CERTIFICATES OF INSURANCE

- A. When required, Pendleton Mobile Food Vendor Permits are issued at the discretion of the Pendleton Plan Department, during normal business hours.
- B. The fee for Mobile Food Vendor Permits shall be One Hundred (\$100.00) per day, which fee shall be deposited into the Town of Pendleton's General Fund.
- C. Only one (1) permit shall be issued per day, and for no more than twenty-four (24) hours, at the discretion of Town officials. Permit shall be issued for a specific location with a stated specified expiration time and date.
- D. The mobile food vendor is responsible for determining whether or not additional state or county permits, licenses, or approvals are required and for obtaining such permits, licenses, or approvals.

- E. Mobile food vendors who locate on public property shall provide certificates of insurance with the permit application.
 - 1. The Town of Pendleton shall be listed as a certificate holder and additional insured on all certificates of insurance.
 - 2. If located in a public park, Pendleton/Fall Creek Township Park District shall be listed as an additional certificate holder and additional insured in addition to the Town of Pendleton.
 - 3. At a minimum, coverage limits must be as follows: Each Occurrence: \$1,000,000; General Aggregate: \$2,000,000; Products – Comp/Op Aggregate: \$2,000,000.
- F. Any mobile food vendor permit issued under this chapter shall be posted conspicuously in the vehicle and made readily available for inspection by Town Officials and/or Town Officers.
- G. The Town retains the right to decline the issuance of said permissions, including the issuance of a permit for the requested location and/or date, to another applicant or failure to maintain necessary permits from other governmental agencies.

APPEAL PROCEDURE

- A. Any person aggrieved by a decision under this Ordinance shall have the right to appeal to the Pendleton Town Council. The appeal shall be taken by filing with the Council within fourteen (14) days after notice of the decision to deny or revoke a permit has been mailed to the applicant's or licensee's last known address. The notice of appeal shall include a written statement setting forth the grounds for appeal. The Council shall set the time and place for a hearing and shall, at least ten (10) days before the date of the hearing, mail notice of the hearing to the applicant or licensee at the applicant's or licensee's last known address.
- B. The order of the Council after the hearing shall be final.

BE IT FURTHER ORDAINED THAT:

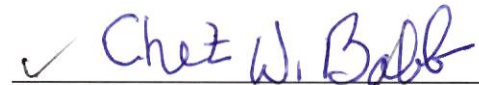
- 1. Any Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.
- 2. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.
- 3. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.
- 4. This Ordinance shall be in full force and effect after adoption and publication in accordance with Indiana law.

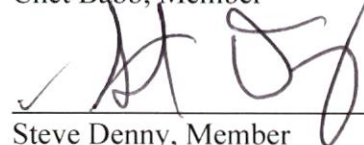
SO ORDAINED by the Town Council of the Town of Pendleton, Indiana, this 11 day
of May, 2023.

THE TOWN COUNCIL OF THE
TOWN OF PENDLETON, INDIANA


Marissa Skaggs, President


Shane Davis, Vice President


Chet Babb, Member


Steve Denny, Member


Jennifer Roberts, Member

ATTEST:


Willie Boles, Clerk-Treasurer

[https://d.docs.live.net/3a3d0b80d99a44ca/Documents/Pendleton/NOrdinances/Mobile Food Vendor\(revised\).docx](https://d.docs.live.net/3a3d0b80d99a44ca/Documents/Pendleton/NOrdinances/Mobile Food Vendor(revised).docx)