

ORDINANCE NO. 22-10

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING CHAPTER 18, TO
ADD ARTICLE X, ENTITLED "MOBILE FOOD VENDORS"

DIVISION 1. - GENERALLY

Sec. 18-353. - Definitions.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Food shall mean any raw, cooked, or processed edible substance, ice, beverage, drink or ingredient used or intended for the use or for sale in whole or in part for human consumption.

Food vending push cart shall mean any non-motorized unit, box or container that is not propelled or moved by an engine and is used for the purpose of selling food.

Mobile Food Vehicle shall mean a self-contained food establishment that is on wheels, self-propelled or moved by an engine and the vehicle is utilized for the sale and/or production of food.

Mobile Food Vendor includes any individual person, firm, or corporation who operates mobile food vending pushcarts and/or mobile food vehicles and are licensed to do business in the State of Indiana and holding all requisite State and County Health Department business and resale licensures and permits to sell food and beverages in Indiana. This term shall not include food delivery services that deliver food or beverages ordered by a purchaser to a specific address provided by the purchaser.

City means the City of Portage, Indiana.

Park means a designated area determined by the Portage Parks Department.

Private Property means any area that is not owned or leased by the City or Park, which can include a residence or business.

DIVISION 2. – MOBILE FOOD VENDORS OPERATING WITHIN PORTAGE PARKS DEPARTMENT

Sec. 18-354. – Permit Display.

Any mobile food vendor operating within the park shall at all times display the permit obtained by the County Health Department while operating within the City, as well as a mobile food vendor permit obtained from the Portage Park Department.

Sec. 18-355. – Application.

Any mobile food vendor operating within the park shall at all times fill out an application by contacting the Portage Parks Department at least a week prior to operation. It shall be within the discretion of the Parks Department to determine availability. A copy of a mobile food vendor's permit issued by the Porter County Health Department must be provided to the Portage Parks Department, as well as a copy of a mobile food vendor's liability insurance.

Sec. 18-356. – Fee.

An application fee must be paid upon submission of the application to the Parks Department. There is a \$25 non-refundable application fee. There shall also be a \$300 permit fee due immediately upon approval of the application and prior to utilization of the park. The Permit is valid from June 1st thru May 31st of each year, regardless of the date you acquire it. Checks shall be made payable to the Portage Parks Department. In the event the permit issued by the Portage Parks Department is revoked, the entire permit fee is non-refundable.

Sec. 18-357. – Investigation of an Applicant.

Upon receipt of any application for a permit under the provisions of this chapter, the Portage Parks Department has the right to ask the Portage Police Department to investigate a mobile food vendor's criminal history and/or code enforcement history as it deems necessary for the protection of the public good welfare and safety. If, as a result of the investigation, the applicant's history is found to be such as to endanger or be detrimental to the public, the permit shall be denied or, if issued, revoked by the Portage Parks Department. The \$25.00 application fee shall also be forfeited as a result of any permit being revoked based on a criminal investigation.

Sec. 18-358. – Location Restrictions.

Where a mobile food vendor seeks to operate in a right of way, the vendor shall not impede the use of the park's streets, entrances or exits. No mobile food vendor shall operate within 200 feet of a special event occurring within the park, unless granted approval by the coordinator of the special event or an individual within the Portage Park Department that has express authority to grant such access.

No mobile food vendor shall locate themselves in an area that would endanger the safety and/or property of the public or that of the park.

Sec. 18-359. - Standard of Conduct.

Mobile food vendors shall comply with all local, state and federal laws, regulations and ordinances.

Mobile food vendors are prohibited from using a device or machine to produce unreasonable amounts of sound or light (such as but not limited to bull horns, strobe lights, and neon signs).

Mobile food vendors are required to obey the commands of law enforcement and code enforcement officials

No mobile food vendor shall provide tables, seating, or any other dining arrangements unless otherwise approved by the Portage Parks Department

No mobile food vendor shall sell or otherwise provide alcoholic beverages.

All mobile food vendors agree to clean up any trash from their operation before leaving the park.

Sec. 18-360. -- Indemnification.

Any mobile food vendor shall hereby hold harmless all Portage Park Department employees, law enforcement, code enforcement, fire department and the City of Portage for any lost or stolen items, damaged items, theft or any other act.

DIVISION 3. – FIRE PROTECTION

All mobile food vendors shall be equipped with proper fire extinguishing equipment. Such equipment must be properly installed and maintained to the State of Indiana Fire Code or any city regulations.

DIVISION 4. - ENFORCEMENT

Any violation shall be enforced by Code Enforcement, the Portage Police Department or the City of Portage Fire Department and can be prosecuted for any violation by the City of Portage.

DIVISION 5. - PENALTY

Any individual, firm or corporation convicted of any provision of this chapter shall be fined in a sum not less than the amounts set forth below. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

First Offense: \$25.00

Second Offense: \$100.00

Third and any subsequent Offense: \$200.00

PASSED AND ADOPTED by the Common Council of the City of Portage,

Porter County, Indiana, on the 10th day of May, 2022.



Presiding Officer

ATTEST:



Nina Rivas, Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this 10th

day of May, 2022.

Nina Rivas
Nina Rivas, Clerk-Treasurer

Presented to me the Mayor of the City of Portage, Porter County, Indiana, this 10th day

of May, 2022.

Sue Lynch
Sue Lynch, Mayor