# ORDINANCE 14-06

## AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, GOVERNING FOOD VENDORS WITHIN THE CITY OF WESTFIELD

**WHEREAS,** the City of Westfield, Indiana (the "City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the "Council"); and

**WHEREAS,** it is the duty and the responsibility of the Council to support and ensure that the City's Economic Development Policy is upheld;

**NOW, THEREFORE, BE IT ORDAINED** that this Westfield City Common Council meeting hereby enacts the following provisions pertaining to the vending and sale of food and related products within the City.

**SECTION I: Definitions.** The following definitions shall apply to this Ordinance 14-06 (the "Ordinance").

1. **"Permitted Events"** shall include the events listed within Exhibit A of the Ordinance. Exhibit A is designed to be amended from time to time by the Council.

2. **"Economic Development Policy"** consists of the following objectives:

   A. To retain and support the sustainability of existing businesses;

   B. To create a robust economic environment and diversify the City's tax base, specifically within the vicinity of Grand Park;

   C. To foster and encourage public-private partnerships; and

   D. To provide quality recreational opportunities within the City.

3. **"Event Holder"** shall be a person, group, or organization responsible for the hosting or operation of a Permitted Event.

4. **"Food Vendors and Food Vending"** shall include the display or offering of food or beverages for sale. Food Vendors shall include the following:

    A. Food Stands. Any structure used for preparation, display, sale or offering of food or beverages for sale. Food Stands shall not include structures owned by the City;

    B. Food Vending Pushcarts. Any box or container with wheels that is not propelled or moved by an engine used for the purpose of selling food or beverages; and

    C. Mobile Concession Vendors. Self-contained, mobile vehicles that are propelled or moved by an engine from which food, beverages, or other goods are sold. Mobile Concession Vendors shall not include food delivery services that deliver food or beverages ordered by a purchaser to a specific address provided by the purchaser (e.g. pizza delivery, catering, etc.).

5. **"Grand Park Area"** shall be the geographic area as identified on Exhibit B.

6. **"Ice Cream Truck"** shall include motor vehicles from which ice cream, popsicles, ice sherbets, frozen desserts or other similar items are sold.

7. **"Large Employer"** shall include businesses within the City's corporate limits that have a minimum of twenty-five (25) employee's on site daily during the work week.

8. **"Neighborhood Party"** shall mean an event held within a particular neighborhood, specifically for the residents of that neighborhood, typically limited to one (1) day or one annual or periodic event.

9. **"Non-Incorporated Children's Stands"** shall mean a non-incorporated business that is commonly owned and operated by a child or children to sell lemonade or other beverages (e.g. iced tea, coffee, hot chocolate, etc.) and possibly snack foods (e.g. cookies, etc.).

**SECTION II: Applicability.**

1. Food Vendors shall obtain all applicable approvals and permits, and shall follow all applicable processes as required by the City and the Event Holder.

2. Food Vendors shall comply with all local, state, and federal laws, regulations and ordinances.

**SECTION III: Food Vending.** No Food Vending shall be permitted within the City except in accordance with this Section.

1. Food Vending shall be permitted within all Permitted Events.

2. Large Employers. Large Employers shall be permitted to host Food Vendors in accordance with the following provisions:

   A. The Food Vendor shall obtain permission from or be invited by the Large Employer to conduct Food Vending activities;

   B. The Food Vendor shall be located on property owned or leased by the Large Employer;

   C. Food Vending activities shall be limited to providing meals to employees of the Large Employer; and

   D. The Food Vending activities shall be consistent with the City's Economic Development Policy.

3. The following Food Vending activities shall be permitted within the City:

   A. Neighborhood Party;

   B. Ice Cream Trucks, except on public rights-of-way immediately adjacent to or within the Grand Park Area; and

   C. Non-Incorporated Children's Stands.

**SECTION IV: Temporary Uses and Events Permit Not Required.**

1. A Temporary Uses and Events Permit shall not be required for Food Vendors.

2. Food Vendors shall not be regulated by WC 16.04.095 Temporary Uses and Events.

**SECTION V: Penalty.**

1. Any person, firm, organization, or corporation who violates this Ordinance shall be subject to a fine of not less than One Hundred Dollars ($100.00) and no more than Three Hundred Dollars ($300.00) for each offense.

2. A separate offence shall be deemed committed upon each transaction during which a violation occurs or continues.

**SECTION VI: Effective Date.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

ADOPTED AND PASSED THIS 10th DAY OF MARCH, 2014, BY THE WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD COMMON COUNCIL**
**Hamilton County, Indiana**

## WESTFIELD COMMON COUNCIL

| Voting For | Voting Against | Abstain |
|---|---|---|
| Jim Ake | Jim Ake | Jim Ake |
| Steven Hoover | Steven Hoover | Steven Hoover |
| Robert L. Horkay | Robert L. Horkay | Robert L. Horkay |
| Charles Lehman | Charles Lehman | Charles Lehman |
| Bob Smith | Bob Smith | Bob Smith |
| Cindy L. Spoljaric | Cindy L. Spoljaric | Cindy L. Spoljaric |
| Robert Stokes | Robert Stokes | Robert Stokes |

ATTEST:

Cindy Gossard, Clerk-Treasurer
City of Westfield, Indiana

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

Signed

I hereby certify that Ordinance 14-06 was delivered to the Mayor of Westfield on the 11 day of Mar, 2014, at 9:45a.m.

Cindy Gossard

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 14-06

this _____ day of _____, 2014.

at ___:___ ___.m.

J. Andrew Cook

J. Andrew Cook, Mayor

I hereby VETO Ordinance 14-06

this _____ day of _____, 2014.

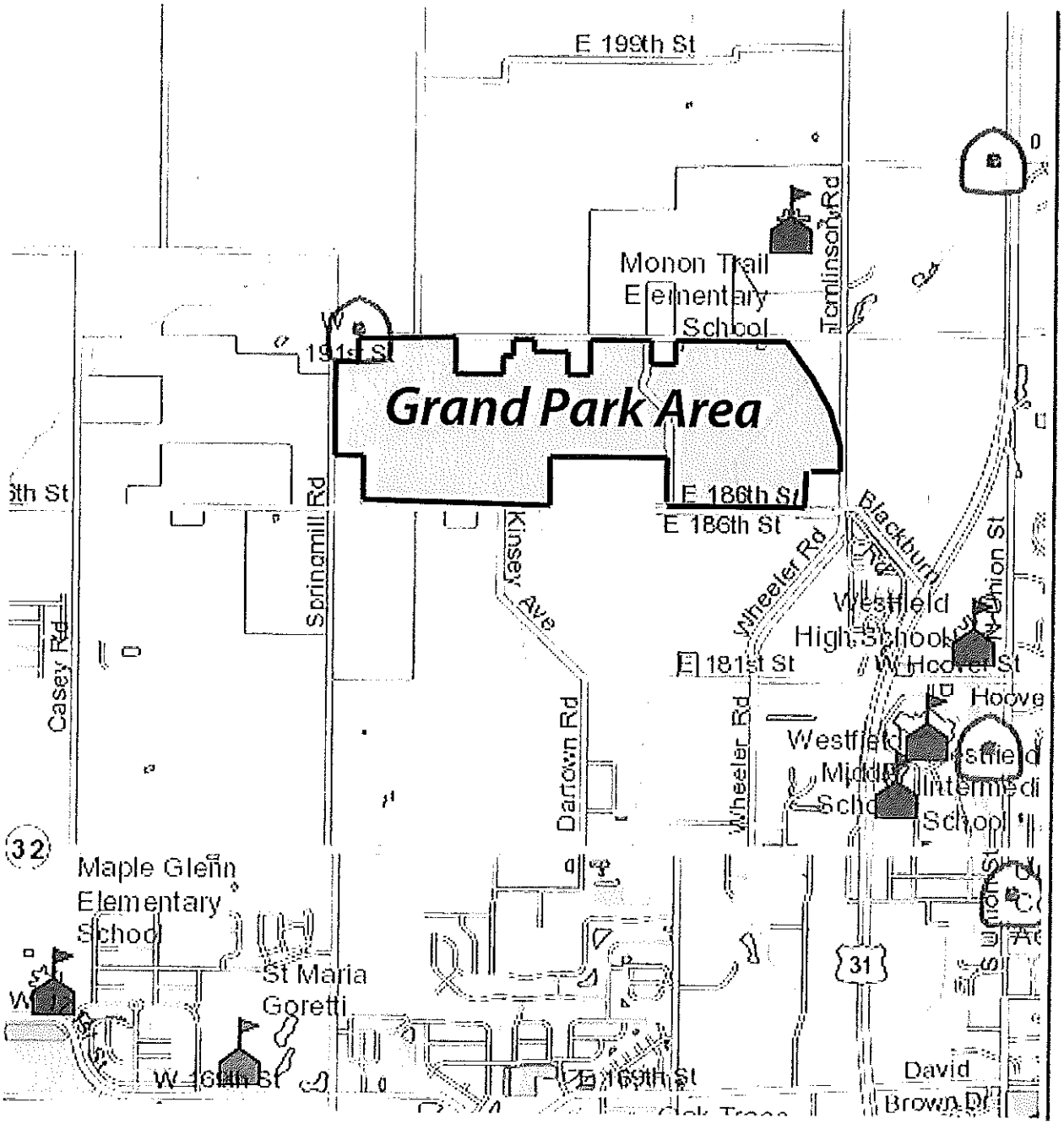
at ___:___ ___.m.

_____

J. Andrew Cook, Mayor

This document prepared by:
Matthew S. Skelton, Esq., AICP
City of Westfield
Economic and Community Development Department

## Exhibit A: Permitted Events

- Westfield Parks and Recreation Hosted Events
- Westfield Public Safety Hosted Events
- Westfield-Washington School District Hosted Events
- Downtown Westfield Association Hosted Events
- Builders Association of Greater Indianapolis ("BAGI") Hosted Events
- Westfield Rotary Hosted Events
- Lions Club Hosted Events
- Hamilton County Parks and Recreation Department Hosted Events
- Washington Township Parks and Recreation Department Hosted Events
- Relay For Life
- Westfield Farmers Market
- City of Westfield Approved Events

## Exhibit B: Grand Park Area