

**ORDINANCE NO. 040814A**

**ORDINANCE AMENDING ORDINANCE NO. 121410, THE ZONING ORDINANCE FOR THE TOWN OF McCORDSVILLE, INDIANA**

**WHEREAS**, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Ordinance No. 121410 as the Zoning Ordinance; and

**WHEREAS**, the Town Council of McCordsville, Indiana, has, after a public hearing was held on March 18, 2014, received a favorable recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Zoning Ordinance in order to adopt specific standards and regulations for "Food Trucks".

**THEREFORE BE IT ORDAINED** by the Town Council of the Town of McCordsville, Indiana that Ordinance No. 121410 is hereby amended as follows:

**SECTION I. Definitions**

The following definitions are hereby added to Article XII of the Zoning Ordinance:

**Food Truck:** shall mean any food sales by any person, partnership or corporation, from any truck, cart, vehicle, recreational vehicle, trailer, or other apparatus, which prepared food, meant for human consumption, is being directly offered for sale.

**SECTION II. Rules and Regulations**

Section 4.02 of Article IV of the Zoning Ordinance is hereby amended to include the following:

Section 4.02(E) Food Trucks

The following standards apply to all Food Trucks wishing to operate within the Town of McCordsville corporate limits.

- (1) A permit is required for all Food Trucks per Article X.
- (2) Food Trucks shall not operate, locate, or park in any public right-of-way.
- (3) Food Trucks shall not interfere with traffic flow on any public street, private street, or internal drives of parking lots.
- (4) Food Trucks shall not operate, locate, or park on any sidewalk or multi-use path.
- (5) Food Trucks shall not operate, locate, or park in a manner that hinders access to a fire hydrant.
- (6) Food Trucks shall not operate, locate, or park in a manner that prevents or blocks access to any driveway, sidewalk, or building entrance or exit.
- (7) Food Trucks shall not operate, locate, or park within two hundred (200) feet of the front door of any restaurant and/or dining area, unless given written approval any and all restaurants and/or dining areas within said distance.

- (8) Food Trucks shall operate, locate, and/or park on properties zoned *Neighborhood Commercial, Professional Business Office, Regional Commercial, Low Intensity Industrial, Medium Intensity Industrial, Public/Semi-public, and PUDs* (only when specifically permitted by that PUD Ordinance). Food Trucks shall be permitted only by Special Exception in *Old Town* and are prohibited in all other zoning districts.
- (9) Food Trucks are prohibited from locating on a lot or property that does not have another primary structure.
- (10) Food Truck hours of operations are limited to 8:00am – 10:00pm
- (11) Food Truck signage shall be limited to signs which are attached to the surface of the Food Truck itself. Such signage shall not project more than six (6) inches from the surface of the truck. In addition, each truck shall be permitted a sandwich board sign as described in Article VII. These signs shall also comply with the location/placement limitations listed in Regulations 2-6 of this Section, be removed each day with the truck, and shall not be placed further than ten (10) feet from the Food Truck.
- (12) Food Trucks shall not be permitted to be located or parked overnight in the Town of McCordsville other than in an enclosed building.
- (13) Town trash receptacles shall not be used by the customers or operators of any Food Truck.
- (14) The area surrounding any Food Truck shall be kept clean of trash and debris. Discharges of waste or liquid onto the ground or into the sanitary or storm sewers is strictly prohibited.
- (15) The permit holder shall be held responsible for any non-compliance.
- (16) The permit must be posted in plain sight of the general public on the Food Truck at all times when in operation.
- (17) Any Food Truck found not to be in compliance with these rules and regulations will be issued a Notice of Violation which must be corrected and the truck brought into compliance within 24 hours thereafter or the Administrative Officer may revoke the permit subject to appeal as set forth in Article X.
- (18) Exemptions:
  - (a) Food Trucks operating at a festival, farmer's market, church function, public school function, or the like, and such festival, farmer's market, church function, public school function, or the like, has applied for and obtained a temporary use permit, may operate under such temporary use permit for the duration of such permit but only for the Food Truck(s) identified within said permit. Food Trucks operating under this exemption shall be required to comply with Regulations 3,5,8,11, & 14 of this Section.
  - (b) Under no circumstance shall a roadside stand solely operated by a child(ren) be considered a Food Truck.

### **SECTION III. Permitting & Fees**

Section 10.12 is hereby added to Article X of the Zoning Ordinance and reads as follows:

#### **(A) Permit Required**

A Food Truck permit is required for all food Trucks wishing to operate within the Town of McCordsville corporate limits. Food Trucks permits are valid for one year. Permit holder

wishing to operate for more than one year will need to re-apply each year. The permit year shall run from April 1<sup>st</sup> – March 31<sup>st</sup>.

(B) Permit Review/Approval

Food Truck permits are reviewed by the Administrative Officer or his/her designee. The Administrative Officer shall approve/deny permits based upon the Rules and Regulations listed in Article IV. The Permit Application shall be accompanied by, but not limited to the following:

- (1) A valid permit from the County Board/Dept. of Health.
- (2) A valid permit from the Indiana Dept. of Revenue for a Retail Merchant.

(C) Permit Fee

A permit fee shall be charged for all food Trucks as outlined in the Town of McCordsville Fee Schedule.

**SECTION IV. Penalties**

It shall constitute a violation of this Ordinance for any person or entity to operate a Food Truck in violation with the provisions of this Ordinance or to fail to obtain the appropriate permit as outlined in this Ordinance. Each day the violation exists constitute a new and separate violation. In order to adequately regulate Food Trucks, the Fine Schedule and Notice of Fine Schedule in the Town's Zoning Ordinance and Fee Schedule, as they relate to Food Trucks, shall be replaced by the following:

- (1) Notice of Violation may delivered via hand-delivery, certified mail, or posting the notice on the Food Truck. The First Notice of Violation shall result in a \$50 fine.
- (2) Subsequent violations shall result in a doubling of the fine amount, ie. Second Violation Fine = \$100, Third Violation Fine - \$300, and so on.
- (3) Violators have five (5) days to pay a violation before a late fee of \$50 is charged.
- (4) If the violator (permit holder) refuses to pay said fine, the Administrative Officer may refer the violation to the Plan Commission attorney in order to enforce the provisions of this Ordinance through court action including but not limited to fine, court costs, and attorney fees.

**SECTION V.**

This Ordinance shall remain in full force and effect from and after its passage and posting as required by the law within the Town of McCordsville, Indiana.


**SECTION VI.**

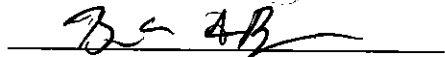
Introduced and filed on the 8<sup>th</sup> day of April, 2014. A motion to consider on First Reading on the day of introduction was offered and sustained by a vote of 4 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

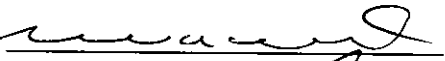
Duly ordained and passed this 8<sup>th</sup> day of April, 2014 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

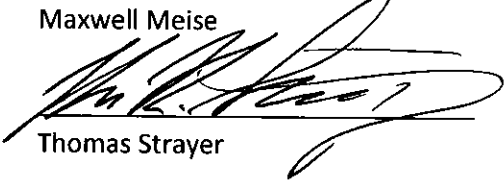
**TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

  
Larry Longman

  
Brent Barnes

  
Maxwell Meise

  
Thomas Strayer

\_\_\_\_\_  
Barry Wood

Voting Opposed:

\_\_\_\_\_  
Larry Longman


\_\_\_\_\_  
Brent Barnes

\_\_\_\_\_  
Maxwell Meise

\_\_\_\_\_  
Thomas Strayer

\_\_\_\_\_  
Barry Wood

ATTEST:

  
Catherine C. Gardner  
Clerk Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O. Box 6, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.