

ORDINANCE NO. 384

AN ORDINANCE OF THE OGDEN DUNES TOWN COUNCIL  
AMENDING PORTIONS OF THE TEXT OF  
THE ZONING AND SUBDIVISION  
CONTROL ORDINANCE OF OGDEN DUNES, INDIANA

WHEREAS, the Ogden Dunes Town Council has adopted a combined Zoning Code, Subdivision Control Regulations and Building Code which is Chapter 152 of the Ogden Dunes Town Code (hereafter, "Zoning and Subdivision Control Ordinance" or "Zoning Ordinance"); and

WHEREAS, the Ogden Dunes Advisory Plan Commission has initiated an amendment to the text portion of the Zoning and Subdivision Control Ordinance; and

WHEREAS, a public hearing has been held before the Ogden Dunes Advisory Plan Commission, which has certified its proposal to amend the text of the Zoning and Subdivision Control Ordinance to the Ogden Dunes Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to the Zoning and Subdivision Control Ordinance; and

WHEREAS, the Ogden Dunes Town Council concurs with its Advisory Plan Commission and accepts its proposal to amend the text of the Zoning and Subdivision Control Ordinance;

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Ogden Dunes Town Council as follows:

**SECTION 1:** That Section 152.035(B) of the Zoning and Subdivision Control Ordinance, PP Parks and Public Places District, shall be amended and hereafter read as follows:

(B) *Permitted uses.* In a PP District, no building or premises shall be used and no building shall be erected which is arranged, designed or intended to be used for other than one or more of the following specified uses:

- (1) Public and private parks and playgrounds;
- (2) Other public uses;
- (3) Essential services; or
- (4) Itinerant food vendors licensed by the Town.

**SECTION 2:** That this Ordinance shall be in full force and effect upon its passage and adoption as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Ogden Dunes Town Council this the 2 day of Feb., 2022.

OGDEN DUNES TOWN COUNCIL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Mimi Ramos, Clerk-Treasurer

## **Food Truck Rules of Operation in The Town of Ogden Dunes**

The Town of Ogden Dunes has deemed that food truck vendors are permissible in the Town in public and park areas as designated by Ordinance 884. All vendors must be licensed by the Town and meet the specifications of the licensing Code Chapter 111: Peddlers, which include certification by the Porter County Board of Health. The vendor is required to pay the appropriate fees as described in Ordinance 827 (Amending section 111.01, Section 111.03, and Section 111.99 regarding Peddler Licenses before a license will be granted.

1. The Food Truck Season will begin on May 1 and extend until November 1 of each calendar year. An exception to these dates may be requested for a single event held by the Town, a Town organization, or a Town Resident by submitting a request to the Town Clerk Treasurer.
2. Food truck vendors will locate at the Tree next to the Mailboxes at Hillcrest and Diana unless specified otherwise. All Food Truck parking areas must be deemed appropriate to comply with Ordinance 884.
3. Only one Food Truck at a time will be permitted unless the only items available from a specific vendor is considered a dessert such as ice cream or novelties. Exceptions to this may be granted for an event sponsored by The Town, a Town organization or an individual residing in Town or owning property in Town for a single event with the submission of a request to the Town Clerk Treasurer.
4. Hours of operations will be agreed upon between the vendor and the Town Council Representative or Clerk Treasurer. No Food Truck will operate before 8:00 a.m. or after 8:30 p.m. No Food Truck is allowed to operate for more than 7 consecutive hours on any day unless permission is granted for a special event held by the Town, a Town Organization, or Town Resident or Property Owner.
5. The specific day of operation by an individual vendor may vary, but must be granted permission by the Town to assure that no other vendor is present at the same date or time as identified in Section 3. An individual vendor may not operate their truck for more than 2 days each week. An exception to the number of days of operation may be granted for an event sponsored by the Town, a Town organization, or an individual residing in Town or owning property in Town by making a request for a single event.

## License Agreement

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ between the Town of Ogden Dunes Council (hereafter "Town") and \_\_\_\_\_ (hereafter "Licensee").

WITNESSETH:

WHEREAS, Licensee desires to operate a food concession, consisting of food trucks; and  
WHEREAS, Licensee desires to utilize a portion of the Town's right of way located at the east side intersection of Hillcrest and Diana Roads at the tree on the north side of the intersection, Ogden Dunes, Indiana to conduct the business on \_\_\_\_\_ (day) from \_\_\_\_\_ through \_\_\_\_\_ (dates).

WHEREAS, the Town believes it is in the best interest of the Town to allow the use of a portion of its right of way by Licensee for the operation of ; a food concession truck, provided that certain conditions are met.

1. The Town grants Licensee a revocable license to utilize that portion of its right of way located at the east side of the intersection of Hillcrest and Diana Road at the tree on the north side of the intersection as designated on exhibit "A". The license shall be solely for the sale of food items from the food truck by the vendor selected by the Town and for no other purpose. The location shall be that as designated as "Food Truck" on the attached Exhibit "A".

2. The License Agreement shall be limited to the hours of \_\_\_\_\_ to \_\_\_\_\_ of each week between \_\_\_\_\_ (dates) and \_\_\_\_\_.  
The fee for the license granted hereunder shall be \_\_\_\_\_ and is payable on or before the date Agreement is signed.

3. The License Agreement shall terminate on \_\_\_\_\_ (date). The license granted hereunder may be terminated at the Town's discretion at any time upon two weeks' notice to Licensee.

4. Licensee shall arrange for the removal and disposal of trash and shall arrange for the clearing of debris from the surface of the area at the conclusion of each day that the food truck is in operation. Licensee, at its sole cost and expense, shall be responsible for any and all repairs or damage to the area arising from the use or misuse of the area by Licensee or any vendor, their agent, or employees.

5. Licensee shall not assign this Agreement or any portion thereof, or allow the use of the area by any person, firm or entity other than Licensee.

6. Licensee shall comply with licensing Code 111 of the Town of Ogden Dunes concerning Peddlers' Licenses. The Licensee shall also comply with all Food Truck Rules of Operation for the Town of Ogden Dunes, as such may be amended from time to time.

7. Licensee shall carry liability insurance during the term of this License Agreement, insuring Licensee and all Licensee's employees and agents operating under this Agreement, Licensor and its officers, directors, agents, employees and affiliated entities, as their interests may appear, with commercial general liability insurance (including the broad or extended liability endorsement), during the entire term hereof with terms and with companies satisfactory to Licensor to afford protection to the limits of not less than \$1,000,000 for combined single limit bodily injury and property damage liability per occurrence. Insurance shall cover the Licensee and vendors' use of the property on days covered by this Agreement. Additionally, the Town of Ogden Dunes shall be an additional insured under the required policy of liability insurance for Licensee's business. The insurance shall be subject to the reasonable approval of the Licensor. Licensee shall, prior to the commencement of the Agreement term, furnish certificates evidencing such coverage, which certificates shall state that such insurance coverage may not be changed or canceled without at least thirty (30) days' prior written notice to Licensor.

8. Licensee shall defend, hold harmless, and indemnify the Licensor for any and all claims, actions, causes of action, demands, costs, including reasonable attorney's fees and all costs of litigation, resulting from the Licensee on the location.

9. The Town of Ogden Dunes reserves the right to change either the license fee effective or the insurance requirements, or both, in its sole discretion. Any change that is made shall be effective on the anniversary date of this License Agreement.

# Town of Ogden Dunes

Porter County - State of Indiana

## REGISTRATION OF SOLICITORS

Name \_\_\_\_\_ Address \_\_\_\_\_

Tax No. \_\_\_\_\_ Company Represented \_\_\_\_\_

Address of Company \_\_\_\_\_

Product to be sold \_\_\_\_\_

Location of Solicitation \_\_\_\_\_

Date of Solicitation \_\_\_\_\_  
From \_\_\_\_\_ To \_\_\_\_\_

Description of Car \_\_\_\_\_  
Year Make Model Color License#

Registered with C of C? \_\_\_\_\_  
YES NO

Description:

Remarks:

I the registrant have received a copy of the Town Ordinances with this registration \_\_\_\_\_

For Office use only:

DATE \_\_\_\_\_ TIME \_\_\_\_\_ INITIALS \_\_\_\_\_

## CHAPTER 110: LICENSES

### Section

- 110.01 Authority to license
- 110.02 Application
- 110.03 Grant or denial of license; fees
- 110.04 Duration and inspections
- 110.05 License not transferable
- 110.06 License certificate to be displayed
- 110.07 Suspension of license for violation

**Statutory reference:**

*Regulation of businesses, professions, and occupations, see I.C. 36-8-2-10*

**Cross-reference:**

*Town Council approval required for franchises, see § 31.25*

### § 110.01 AUTHORITY TO LICENSE.

The town has the authority to impose a license fee that is reasonably related to the administrative cost of exercising such regulating power.

(`99 Code, § 4-1)

**Statutory reference:**

*Authority to license, see I.C. 36-1-8*

### § 110.02 APPLICATION.

All applications for a permit or license under this chapter shall be made available by the Clerk-Treasurer, unless otherwise specified.

(`99 Code, § 4-2)

### § 110.03 GRANT OR DENIAL OF LICENSE; FEES.

(A) After examination, the Clerk-Treasurer shall grant such permit or license, unless good cause is shown why the permit or license should not be granted.

(B) Any denials may be petitioned to the Town Council at their next regularly scheduled meeting.

(`99 Code, § 4-3)

## CHAPTER 111: PEDDLERS

### Section

- 111.01 License required
- 111.02 License duration
- 111.03 License fees
- 111.04 Conditions for issuance of license
- 111.05 Display of license required
- 111.06 Exceptions
- 111.07 Notice Regulating Soliciting

111.99 Penalty

#### **Statutory reference:**

*Regulation of transient merchants, see I.C. 25-37-1-1 through 25-37-1-15*

### **§ 111.01 LICENSE REQUIRED.**

(A) It shall be unlawful for any hawker or peddler or other itinerant dealer (by wholesale or retail) in goods, wares and services or merchandise to offer the same for sale or to distribute, or cause to be distributed, in any vehicle or otherwise in the town, or go from house to house in the town or to distribute, or cause to be distributed, and offer for sale any such goods, wares, services or merchandise to persons not dealers in such commodities, for either present or future delivery, without having first obtained a license for that purpose as in this chapter provided.

(B) It shall be unlawful for any hawker or other person to offer for sale on any street or public place within the town, of to distribute or cause to be distributed, any goods, wares, services or merchandise, or by attracting persons to purchase any goods, wares, services or merchandise by placards or signs or otherwise, without having first obtained a license for that purpose as in this chapter provided.

( '99 Code, § 4-30) (Ord. 362, passed 12-2-63) Penalty, see § 111.99

### **§ 111.02 LICENSE DURATION.**

No license shall be issued under this chapter for less than one day, nor for a longer period than one year, and all licenses shall be signed by the President of the Town Council and countersigned by the Clerk-Treasurer.

( '99 Code, § 4-31) Penalty, see § 111.99

(C) The Clerk-Treasurer shall issue licenses upon payment of the license fees and compliance with the applicable provisions of this code.  
(`99 Code, § 4-5(a))

#### **§ 110.04 DURATION AND INSPECTIONS.**

(A) All licenses issued under this chapter, unless specified otherwise on the license, shall be issued for the duration of the calendar year for which they were issued, and shall expire on December 31.

(B) Every person who is issued a license under the provisions of this chapter shall display the license on the premises where the licensed activity is being conducted, or if there are no premises shall carry the license, while engaged in the activity for which he or she has been licensed, and shall exhibit it to any town official or citizen upon request.

(C) The Town Marshal may inspect all places of business under license or required to have a license.  
(`99 Code, § 4-4) Penalty, see § 10.99

#### **§ 110.05 LICENSE NOT TRANSFERABLE.**

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.  
(`99 Code, § 4-6)

#### **§ 110.06 LICENSE CERTIFICATE TO BE DISPLAYED.**

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the license as further addressed in § 110.04.  
(`99 Code, § 4-7) Penalty, see § 10.99

#### **§ 110.07 SUSPENSION OF LICENSE FOR VIOLATION.**

Licenses issued by the town may be revoked or suspended if the person holding the license has violated the terms or conditions of the license or the law under which it was issued, or has conducted the business in such a manner as to constitute a threat to public health, safety, or general welfare of the town citizens.  
(`99 Code, § 4-5(b)) Penalty, see § 10.99

**§ 111.03 LICENSE FEES.**

The amount to be paid for a license under this chapter shall be \$40 for one day; \$60 for one month; \$90 for six months; and \$150 for one year.  
(`99 Code, § 4-32) (Ord. 611, passed 12-8-94)

**§ 111.04 CONDITIONS FOR ISSUANCE OF LICENSE.**

(A) It shall be the duty of the Clerk-Treasurer to make out all licenses granted to peddlers, hawkers, and itinerant dealers under this chapter, and the President of the Town Council shall properly sign the same, upon the Clerk-Treasurer receiving from the applicant the proper fee for such license.

(B) Not less than ten days prior to the issuance of any license by the Clerk-Treasurer, as provided above, an applicant for a license, as a condition to the issuance of such license, shall furnish to the Clerk-Treasurer, a facial photograph of the applicant and any other identification material requested by the Clerk-Treasurer. The applicant shall at the time of making application, further indicate in writing to the Clerk-Treasurer the type of goods, wares, services and merchandise he or she desires to sell or distribute in the town, where the goods, wares or merchandise are to be shipped from, and the method of payment requested of the persons purchasing same.  
(`99 Code, § 4-33) (Ord. 362, passed 12-2-63)

**§ 111.05 DISPLAY OF LICENSE REQUIRED.**

It shall be unlawful for any peddler, hawker, or other person to refuse to show his or her license when requested to do so by any person to whom he or she shall offer to sell any goods, wares, services or merchandise, or to the Marshal, or any police officer of the town, when so requested by them.  
(`99 Code, § 4-34) (Ord. 362, passed 12-2-63) Penalty, see § 111.99

**§ 111.06 EXCEPTIONS.**

Nothing in this chapter shall be so construed as to apply to residents of the town who sell, offer for sale, distribute or cause to be distributed any article or thing raised, grown, or made by such resident, nor shall this chapter be so construed as to apply to the sale or distribution of newspapers, nor to bona fide residents of the town when soliciting for local non-profit organizations and all charitable and religious organizations.  
(`99 Code, § 4-36) (Ord. 362, passed 12-2-63)



**§ 111.07 NOTICE REGULATING SOLICITING.**

(A) Notice of the refusal of invitation to solicitors to any residence shall be exhibited upon or near the main entrance to the residence, indicating the determination by the occupant, containing the applicable words as follows: "NO SOLICITORS INVITED".

(B) The letters shall be at least  $\frac{1}{3}$  inch in height.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence.

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**§ 111.99 PENALTY.**

See penalties as specified in section § 10.99