

Sponsor: Dan Spitale
Councilman at Large

ORDINANCE NO. 9539 22-06

AN ORDINANCE TO AMEND ORDINANCES 3305, AM. ORD. 3387, AM. ORD. 4301, AM. ORD. 5004, AM. ORD. 8592, AM. ORD. 8595, AM. ORD. 8961, AM. ORD. 8962, AM. ORD. 9098, 9506 ALSO KNOWN AS CHAPTER 117 OF TITLE XI OF THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO TEMPORARY FOOD VENDOR LICENSING IN THE CITY

WHEREAS, Indiana Codes § 36-8-2-10, § 36-8-2-11, and § 25-37-1-11 grant a local government authority to regulate the operation of professions, including restaurants, mobile food vendors, and temporary food vendors; and

WHEREAS, the City of Hammond regulates these professions through a licensing process codified in Chapter 117 of Title XI of the Hammond Municipal Code (HMC); and

WHEREAS, on April 26, 2021, the Common Council of the City of Hammond adopted and approved Ordinance No. 9506 updating the rules and regulations in HMC 117 for restaurants, mobile food vendors, and temporary food vendors; and

WHEREAS, to maintain uniformity within the licensing rules and regulations, HMC Ch. 117 must be amended to remove associated licensing fees for Temporary Food Vendors participating in city-sponsored events; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond that Sections §117.004 and §117.017 of Title XI of the HMC be amended and adopted as follows (Sections of Ch. 117 not listed within this Ordinance remain UNCHANGED):

§ 117.004 EXCEPTIONS.

- A. No business license shall be required for temporary food stands operated by religious, educational, or charitable organizations at their regularly established place of worship, campus, or business. Religious, educational, or charitable organizations operating entirely for profit or at locations outside their regular place of worship, campus, or business shall be required to have a business license as set forth in this chapter.**
- B. A Restaurant, Itinerant Restaurant, or Mobile Food Vendor duly licensed within this chapter shall pay no extra fee under this chapter to participate as a Temporary Food Vendor.**
- C. A Temporary Food Vendor participating in a city-sponsored event whose participation is subject to application and fee submittal to the sponsoring city entity shall pay no extra fee under this chapter.**

(Prior Code, § 117.12) (Ord. 3387, passed 3-25-1963; Am. Ord. 4301, passed 2-28-1977; Am. Ord. 8595, passed 8-24-2004; Am. Ord. 8961, passed 11-19-2008) Penalty, see § 10.99

§117.017 ANNUAL FEES AND RENEWAL.

- A. Notwithstanding provisions B and C of this subsection, a license shall be issued by the City Controller to a successful applicant under this chapter after payment of a license fee of \$100 and a processing fee of \$5. The license shall be for a term of 1 year commencing July 1 and expiring June 30 of the following year and must be renewed annually by the business through a renewal application. A separate license shall be required and a separate fee paid for each food seller, establishment, or location operated and maintained or to be operated and maintained by any individual or company. A business establishment that fails to renew a license by July 31 each year shall be required to pay a \$200 late fee in addition to the annual \$100 license renewal fee and processing fee of \$5. Regardless of the date issued, the license shall expire on June 30 of each year.**
- B. An additional fee shall be collected by the City Controller in addition to subsection 117.017(A) for any applicant that is a Mobile Food Vendor or Itinerant Restaurant. The fee shall be \$500 dollars annually. This fee does not apply for Temporary Food Vendors.**
- C. A Temporary Food Vendor, unless excepted under §117.004(C), shall pay a fee of \$25 per outdoor food market, farmers market, fair, carnival, circus, public exhibition, or other similar gathering.**

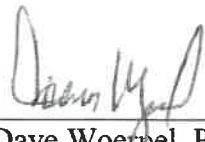
THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected.

BE IT FURTHER ORDAINED this Ordinance shall be considered as amending Ordinance Numbers 3305, Am. Ord. 3387, Am. Ord. 4301, Am. Ord. 5004, Am. Ord. 8592, Am. Ord. 8595,

Am. Ord. 8961, Am. Ord. 8962, Am. Ord. 9098, 9506 otherwise known as Chapter 117 or Title XI of the HMC, and if there be any conflict therewith, this ordinance shall take precedence.

BE IT FURTHER ORDAINED by the Common Council, that this Ordinance shall be in full force and effect upon signing by the President of the Common Council and approval by the Mayor, and Publication as provided by law.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana this 28th day of February, 2022.

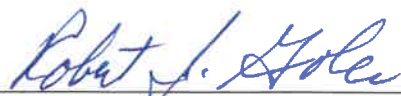


Dave Woerpel, President
Hammond Common Council

ATTEST:

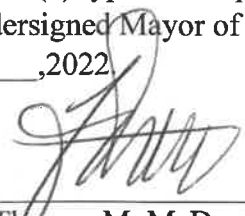

Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 1st day of March, 2022.



Robert J. Golec, City Clerk
City of Hammond, Indiana

The foregoing Ordinance No. 9539 consisting of four (4) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana on this 2nd day of MARCH, 2022.

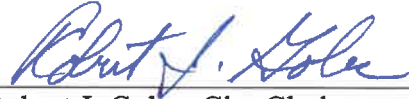


Thomas M. McDermott, Jr., Mayor

Sponsor: Dan Spitale
Councilman at Large

City of Hammond, Indiana

PASSED by the Common Council on the 28th day of February, 2022 and
APPROVED by the Mayor on the 2nd day of MARCH, 2022.



Robert J. Golec, City Clerk
City of Hammond, Indiana