



ORDINANCE 24-47

**AN ORDINANCE TO AMEND PROVISIONS
IN THE WESTFIELD-WASHINGTON TOWNSHIP
UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the City of Westfield, (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 City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township, Indiana as identified through the adoption of a Joinder Agreement; and,

WHEREAS, from time to time it is necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, on October 21, 2024, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 2409-ZOA-03 to the Council with a favorable recommendation in accordance with Indiana Code § 36-7-4-607; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. Article 6.18 (K) Temporary Uses and Events; Food Vendors and Food Vending shall be replaced as follows:

1. **Applicability:** All Mobile Food Vehicles shall comply with the standards of this Article and the Westfield Code of Ordinances.
2. **Permit:** Unless otherwise provided herein, any person wishing to operate a Mobile Food Vehicle must receive a Temporary Use and Event Permit in addition to a Mobile Food Vehicle License as set forth in Westfield Code of Ordinances; Chapter 17-61 et seq.
3. **Duration and Display of Permits:** All licenses, certificates, and permits from all government agencies shall be displayed on the vehicle while operating within the City. Temporary Use and Event Permits for one-time events shall remain valid for the duration of the event. Temporary Use and Event Permits for reoccurring events at a single location shall remain valid for a period of three (3) years.
4. **Reoccurring Events:** Entities that host events with Mobile Food Vehicles at the same location more than two (2) times in a calendar year (such as HOAs, event venues, or alcohol establishments) may serve as the Temporary Use and Event Permit holder in place of a Mobile Food Vendor. Once a permit is obtained for a specific location,

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licensed Mobile Food Vehicles that do not serve alcohol may operate at that location in the future without obtaining another permit as long as they comply with the approved site configuration. A new Temporary Use and Event Permit is required for every occurrence of a Mobile Food Vehicle that serves alcohol, including pull-behind trailers used as mobile bars.

5. Permit Required: The operation of a Mobile Food Vehicle shall be permitted at the following events or locations with a valid Temporary Use and Event Permit, subject to the provisions of this ordinance:
 - a. At Special Events
 - b. On property owned or controlled by an HOA or residential community during Neighborhood Events (i.e. Neighborhood Block Parties, Food Truck Fridays, seasonal events).
 - c. At breweries, distilleries, and other similar establishments in which the serving of food is incidental to the consumption of alcoholic beverages.
 - d. Events held on public park property; however, rules and policies established by the City, as administered by the Parks and Recreation Department, may also apply.
 - e. Mobile Food Vehicles that serve alcohol.
6. Exempt from Permit: Unless otherwise provided herein, Mobile Food Vehicles shall not require a Temporary Use and Event permit if operating at the following events or locations:
 - a. Events hosted or organized by the City of Westfield, Westfield Washington Township, Westfield-Washington Schools, or Hamilton County Government.
 - b. Private events if the Mobile Food Vehicle is used for catering purposes and individual transactions do not take place (i.e. employee appreciation days, private parties).
 - c. Mobile Food Vehicles operating in a PUD specifically permitting food trucks.
7. Prohibited Locations: The operation of a Mobile Food Vehicle is prohibited in the following locations:
 - a. Within any Street or public right-of-way.
 - b. Within one hundred (100) feet from a front entrance or outdoor dining area of any restaurant during its posted operating hours unless granted written approval from any and all restaurants within the same proximity.
 - c. Within one hundred (100) feet of the ROW of US 31 or Hwy 32.
 - d. Within the area identified as "Park Street" in FIGURE 6.18(1).



- e. Within the area identified as “Grand Park” in FIGURE 6.18(2).



8. General Regulations: All Mobile Food Vehicles shall meet the following regulations, even if a permit is not required.
- a. Mobile Food Vehicles shall not interfere with or obstruct the free passage of pedestrian or vehicles along any street, sidewalk, driveway, trail, or parking lot aisle, and shall not park within 20 feet of an intersection.
 - b. All Mobile Food Vendors shall offer a waste container for public use. All trash originating from the operation of the vehicle shall be collected and disposed of off-site each day. Discharge of waste onto the ground or into the storm sewers is strictly prohibited.
 - c. Mobile Food Vehicles shall not use utilities drawn from the public right-of-way. Power cables and equipment shall not cross any Street, Alley, sidewalk, or trail.
 - d. Hours of operation are limited to 8:00 am – 11:00 pm
 - e. No Mobile Food Vehicles shall be parked overnight or left unattended and unsecured at any time.
9. Additional Regulations:
- a. Signage shall be limited to signs attached to the surface of the Mobile Food Vehicle. Such signage shall not project more than six (6) inches from the surface of the vehicle. In addition, each vehicle shall be permitted one (1) sandwich board sign as described in UDO Art. 6.17(K)(8). Movable signage

must be removed each day, and shall not be located farther than five (5) feet from the Mobile Food Vehicle.

- b. The use of sound amplifying equipment, flashing or revolving lights, or noisemakers is prohibited.
- c. All exterior lights exceeding 1600 lumens shall meet the standards of UDO Art. 6.9(E) General Lighting Standards.

Section 2. Article 6.16 (K)(8)(a)(viii) Temporary Signage; Sandwich Board Signs; General shall be added as follows:

- viii. Shall be permitted for Mobile Food Vehicles pursuant to Article. 6.18 Temporary Uses and Events.

Section 3. Article 12.1 Definitions shall be added as follows:

Mobile Food Vehicle: Any motorized, wheeled or towed vehicle used to store, prepare, display or serve food or beverages intended for individual portion service. This term shall not include food delivery services that deliver food or beverages (both alcoholic and nonalcoholic) ordered by a purchaser to a specific address provided by the purchaser, mobile ice cream or snow cone vendors that are stationary for no more than 15 minutes at a time, or non-incorporated sales by children.

Mobile Food Vendor: A person, persons, or entity owning or operating a Mobile Food Vehicle.

Neighborhood Event: An event held within a neighborhood or residential community for the residents of that neighborhood.

Special Event: A temporary, short-term event that is open to the public, such as fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; promotional activities intended to attract attention to a specific place, business, organization, event or district; and events intended primarily for entertainment or amusement, such as concerts, festivals, or carnivals.

Section 4. 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. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

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ALL OF WHICH IS ORDAINED THIS 9TH DAY OF DECEMBER, 2024.
WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain



Jon Dartt

Jon Dartt

Jon Dartt



Victor McCarty

Victor McCarty

Victor McCarty



Joe Duepner

Joe Duepner

Joe Duepner



Patrick Tamm

Patrick Tamm

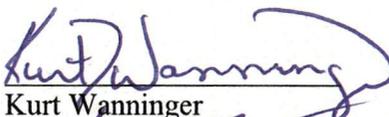
Patrick Tamm



Noah Herron

Noah Herron

Noah Herron



Kurt Wanninger

Kurt Wanninger

Kurt Wanninger



Chad Huff

Chad Huff

Chad Huff

ATTEST:



Marla Ailor, Clerk Treasurer

I hereby certify that ORDINANCE 24-47 was delivered to the Mayor of Westfield

on the 11th day of December, 2024, at 8:00 A m.

Marla Ailor
Marla Ailor, Clerk-Treasurer

I hereby APPROVE ORDINANCE 24-47

this 11th day of December, 2024.

Scott A. Willis
Scott Willis, Mayor

I hereby VETO ORDINANCE 24-47

this _____ day of _____, 2024.

Scott Willis, Mayor

This document prepared by:

Lauren Gillingham-Teague, Senior Planner

City of Westfield, Community Development Department

2728 East 171st Street, Westfield, Indiana 46074 | (317) 804-3170

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: Lauren Gillingham-Teague