



LICENSE APPLICATION FOR – OPEN-AIR BUSINESS MUNICIPAL CODE SECTION - 4-38

DEFINITION:

An open air business includes any person who erects, places or stands in the city an open-air booth, shed, tent, trailer, container, donation box or stand for the purpose of selling, bartering, receiving for future sale or use, distributing or exchanging on or from such place any goods, wares or merchandise, which terms shall include also all fruits, vegetables, country produce, refreshments, beverages, baked goods, and confectionery.

NOTE:

The term "open-air business," as used in this section, does **not** include establishments which are defined as itinerant restaurants under section 4-45 of this chapter.

GENERAL INSTRUCTIONS:

1. Print legibly and complete all sections to ensure efficient processing.
2. Assemble all required information and materials before filing application.
3. Thoroughly review all applicable Municipal Code Sections listed above.
4. Licenses expire January 31.
5. Add 10% to license fee for renewal after January 31.
6. Include \$5.00 license application fee payable to City of South Bend.
7. License fee for donation boxes payable to City of South Bend due at issuance shall be \$25.00 per box per year.
8. License fee for any other open-air business conducted on private property shall be \$45.00 per location per year.
9. License fee for any other open-air business conducted on public property shall be \$40.00 per location per year.

NOTE:

1. No license shall be issued by the Controller under this section until the zoning, ingress and egress of the location(s) have been approved by the appropriate City Department(s).

LICENSE APPLICATION FOR – OPEN-AIR BUSINESS MUNICIPAL CODE SECTION - 4-38

REQUIRED INFORMATION AND MATERIALS:

1. Zoning, parking availability, and Site Plan drawing of proposed location.
2. Description of booth, shed, tent, trailer, or stand to be used.
3. Description of operation including dates, hours, and types of goods sold.
4. Weights and Measures Sealer Certificate (if applicable).
5. Restaurant License per Ord. §§4-45, 4-46 if prepared or ready for consumption food will be served.
6. Written statement of permission from private property owner/lessee, if applicable.
7. Written approval by Board of Public Works for location on public property.

REQUIRED INFORMATION AND MATERIALS FOR CONTAINERS AND DONATION BOXES

1. Zoning and Site Plan drawing of proposed location.
2. Description of container or donation box.
3. Description of operation including dates and types of goods being received.
4. Written statement of permission from private property owner/lessee, if applicable.
5. Written approval by Board of Public Works for location on public property.
6. Name, address and telephone number of the individual who will be responsible for monitoring, emptying, and maintaining the box or container and responding to calls to clean the area around the box or container.

IMPORTANT NOTE FOR CONTAINERS AND DONATION BOXES:

1. The responsible individual identified in #6 must reside or conduct business within St. Joseph County, Indiana, or a county immediately adjacent to St. Joseph County, Indiana.
2. Any person seeking to place or maintain a donation box or container must clearly post on the outside of the container the name, address and telephone number of the organization receiving donations and be clearly labeled whether it's a not-for-profit or a for-profit entity.
3. The boxes be emptied at least once every seven days and monitored by the individual representing the organization.
4. The responsible individual must respond to calls within 12 hours of call and remove items if donations overflow or lay within 10 feet of the box or container.
5. A decal issued by the City must be affixed to the front of the donation box or container.

APPLICATION PROCESS:

1. Submit Application with \$5.00 Processing Fee.
2. Review and report by Building Department, Code Enforcement, and Public Works, as applicable.
3. Controller Denies or Approves License.
4. License issued upon approval and payment of the license fee.

LICENSE APPLICATION FOR – OPEN-AIR BUSINESS MUNICIPAL CODE SECTION - 4-38

I. APPLICATION TYPE Check One: **New** _____ **Renewal** _____

II. BUSINESS DATA

A. Business Name: _____

B. Business Mailing Address: _____

City: _____ State: _____ Zip: _____

C. Mailing Address (if differs): _____

City: _____ State: _____ Zip: _____

D. Business Telephone Number: _____

E. Business Fax Number: _____

F. E-Mail Address: _____

G. Proposed location of Open-Air Business: _____

Proposed location is (check one):

On **Private** Property: _____ (Include signed permission statement from property owner or lessee, and site plan drawing or diagram showing proposed location and drawing or diagram showing proposed facility).

On **Public** Property: _____ (Include site plan drawing or diagram showing proposed location and drawing or diagram showing proposed facility).

H. Zoning of proposed location: _____

I. Number of off-street parking spaces available to public and/or employees: _____

J. Description of Open-Air facility: _____

K. Will the Open-Air facility have a tent: Yes _____ No _____

L. Proposed dates of operation: _____

M. Proposed hours of operation: _____

For Office Use Only

Application Filed _____ Building Department Approval _____

Application Fee Paid _____ Public Works (if public property) _____

Sent to Dept. _____ License Fee Paid _____

Code Enforcement Approval _____ License Number _____

Not Approved _____

Reason _____

**LICENSE APPLICATION FOR – OPEN-AIR BUSINESS
MUNICIPAL CODE SECTION - 4-38**

II. BUSINESS DATA (Continued)

M. Types of goods to be sold or received: _____

N. Scales will be used in business transactions: Yes _____ No _____

If yes, please attach certificate from the Sealer of Weights and Measures.

III. PERSONAL DATA

A. Applicant's Legal Name: _____

B. Residential Address: _____

City: _____ State: _____ Zip: _____

C. Residential Telephone Number: _____

D. Cellphone Number: _____

E. Position with business: _____

F. Date of birth: _____

G. Honorably discharged veteran: Yes _____ No _____

If yes, please attach a copy of your DD214 papers.

IV. INCLUDE \$5.00 PROCESSING FEE WITH APPLICATION

V. INCLUDE SITE PLAN DRAWING OF PROPERTY SHOWING BUILDINGS, PARKING SPACES, AND PROPOSED OPEN-AIR BUSINESS LOCATION. INCLUDE NORTH ARROW.

VI. INCLUDE WRITTEN STATEMENT OF PERMISSION FROM PRIVATE PROPERTY OWNER/LESSEE.

VII. AFFIRMATION

I, hereby, certify and affirm that all of the information I have given in this application is true and accurate to the best of my knowledge. I further certify that I have in no way attempted to mislead the City in this application by omitting facts known to me. I have read and understand the regulations of the Open-Air Business license found in the City of South Bend Municipal Code, Section 4-38.

Signature

Date