

**CITY OF FREEPORT
STEPHENSON COUNTY, ILLINOIS**

ORDINANCE NO. 2017-64

AN ORDINANCE AMENDING PART EIGHT, TITLE TWO (BUSINESS REGULATIONS), CHAPTER 873 (FOOD TRUCK VENDOR LICENSING AND REGULATION) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF FREEPORT, ILLINOIS

THIS _____ DAY OF _____, 2017

Published in pamphlet form by authority of the

City Council of the City of Freeport,

Stephenson County, Illinois, this

_____ day of _____, 2017.

AN ORDINANCE AMENDING PART EIGHT, TITLE TWO (BUSINESS REGULATIONS), CHAPTER 873 (FOOD TRUCK VENDOR LICENSING AND REGULATION) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

ORDINANCE NO. 2017-64

WHEREAS, the City of Freeport, Illinois (“City”) has Codified Ordinances of the City (the “Code”); and

WHEREAS, Chapter 873 of the Code regulates food truck vendors; and

WHEREAS, the City desires to amend various provisions of Chapter 873; and

WHEREAS, the City Council finds that such amendments are in the best interests of the public health, safety, morals and general welfare of the residents of the City of Freeport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS AS FOLLOWS:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. That Chapter 873 of the Code entitled “Food Truck Vendor Licensing and Regulation is hereby repealed and replaced with a new Chapter 873 to be entitled “Food Truck Vendor Licensing and Regulation” and which Chapter shall read as follows:

“CHAPTER 873- FOOD TRUCK VENDOR LICENSING AND REGULATION

873.01 DEFINITION.

- (a) "Mobile Food Truck” shall mean a self-contained food service operation, located in a readily movable Licensed motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service.
- (b) “Designated Vending Area” shall mean an area designated by the City as an available location for the operation of a Mobile Food Truck in accordance with this Chapter. A current map of all Designated Vending Areas shall be kept on file with the City Clerk and available to all licensees or other interested parties. Provided, nothing herein shall authorize operation of a Mobile Food Truck on private property without the express permission of the owner of said property.

873.02 LICENSING.

No person or business shall operate a Mobile Food Truck without first having obtained a vendor license from the City. All Mobile Food Truck vendors shall apply for a vendor license for a

twelve (12) month period commencing March 1 of each year to operate within the City. Application for such shall be made to the City Clerk upon the prescribed form provided by the same. The Application shall include, or be accompanied by, at a minimum:

- (a) The name of applicant. If Applicant is a corporation, limited liability company, or partnership, then the names and addresses of all parties holding more than a five percent (5.00%) ownership or control interest shall also be provided;
- (b) The name, telephone number, and address of the party responsible for the day-to-day management of the business;
- (c) Names, current addresses, and telephone numbers of any persons who will be working in the Mobile Food Truck;
- (d) A copy of the health permit(s) under which applicant will be operating;
- (e) A completed background check, acceptable to the Chief of Police, for any and all persons who will be offering food for sale from the Mobile Food Truck;
- (f) Certificate of Insurance showing insurance as required in 873.03(b);
- (g) Recent photographs of the proposed Mobile Food Truck, showing, at a minimum, front and rear, and both sides, with service window closed and open; and
- (h) Copy of current, valid, registration of the vehicle or trailer.

The annual fee shall be fifty dollars (\$50.00) per Mobile Food Truck. Any valid transient merchant license in effect as of the date of passage of this Chapter shall be automatically converted to a Mobile Food Truck vendor license provided all vendor requirements set forth in this Chapter are met at that time.

873.03 VENDOR REQUIREMENTS.

A Mobile Food Truck vendor must hold the following certifications at all times of operation within the City and documentation of such shall be provided to the City Clerk upon application for a Mobile Food Truck vendor license, and at any other time upon request by the City:

- (a) Valid Stephenson County Health Department Food Establishment License (Category II).
- (b) Vehicle and general liability insurance certificates, each evidencing at least One Million Dollars (\$1,000,000.00) coverage and naming the City of Freeport as an additional insured.
- (c) Must have a valid state license plate for either a truck or trailer.

873.04 PROVISIONS FOR OPERATION OF A MOBILE FOOD TRUCK.

No person shall operate a Mobile Food Truck except in accordance with the following provisions at all times. Failure to do so may result in fines, citations or the rescinding of an issued Mobile Food Truck vendor license.

- (a) Mobile Food Trucks are allowed to operate daily between 6:00 a.m. to 12:01 a.m., except as otherwise provided in this Chapter. Further exceptions to this Chapter may be granted with a valid special event permit per Chapter 1030.
- (b) Mobile Food Trucks may operate at one location for a maximum of eight (8) consecutive hours and may not return to that same location for a minimum of twelve (12) hours upon leaving. Exceptions shall be made for Mobile Food Truck vendors who own, or lease and operate, the primary business at the site where the Mobile Food Truck vendor is located if that primary business is a grocery store which holds a currently valid permanent license, issued by Stephenson County, to operate a Food Establishment at that property. Exceptions regarding the operation of a Mobile Food Truck may also be granted for special events.
- (c) Mobile Food Trucks are allowed to operate at Designated Vending Areas on a “first come, first served” basis. Only one Mobile Food Truck may occupy a Designated Vending Area at a time.
- (d) Parking of any other vehicles, including vehicles used to tow Mobile Food Trucks, within the Designated Vending Areas during the operation of a Mobile Food Truck is prohibited.
- (e) No tents, tables, chairs or displays shall be placed in the Designated Vending Areas. Notwithstanding the foregoing, one portable sign board, no greater than 6 square feet in total area, may be placed on the sidewalk near the Mobile Food Truck.
- (f) Noise from Mobile Food Trucks, including, but not limited to, generators and music, shall not exceed 75 decibels as measured 10 feet from any part of the Mobile Food Truck.
- (g) Mobile Food Truck vendors shall collect all trash and debris resulting from the operation of the Mobile Food Truck within 100 feet of the Designated Vending Area.
- (h) Mobile Food Truck vendors operating on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such operation.
- (i) Mobile Food Truck vendors operating in any Designated Vending Area which is in a public way or other public place shall observe the following rules:
 - (i) Double-parking is not allowed;
 - (ii) The Mobile Food Truck shall be parked within twelve (12) inches of the curb if possible, but in no event more than twenty-four (24) inches from any section of curb;

- (iii) No portion of the Mobile Food Truck, extension thereof, or adjacent service area or seating, shall block, obstruct or interfere with vehicular, bicycle, or pedestrian traffic.
- (iv) No portion of the Mobile Food Truck shall be within fifty (50) feet of an intersection;
- (v) The operator of the Mobile Food Truck shall be responsible to ensure that no congregation of persons around the Mobile Food Truck creates an obstruction or safety hazard to passerby, whether vehicular, bicycle, or pedestrian.
- (j) Mobile Food Truck shall be attended at all times during all posted or advertised operating hours. Temporary closure for the purpose of restocking supplies or otherwise carrying out tasks necessary for continued operation shall be permitted.
- (k) Mobile Food Truck vendors shall be responsible for the proper disposal of all grease, litter and waste generated by their operation.
- (l) Mobile Food Truck vendors conducting retail sales shall not utilize extension cords in such a manner as to cross a public right-of-way or sidewalk. Exceptions to this provision may be granted for special events.
- (m) Mobile Food Truck vendors shall not conduct any major repairs or disassembly of a vehicle or trailer directly at the site of operation.
- (n) Mobile Food Trucks shall not operate any closer than 200 feet from any restaurant without first receiving permission from that restaurant.
- (o) Nothing in this section shall apply to Mobile Food Truck vendors operating at the Stephenson County Fair and/or upon the Stephenson County Fairgrounds. A Mobile Food Truck vendor operating as such shall not be required to hold a food truck vendor license.
- (p) All Mobile Food Truck vendors shall abide by any and all federal, state and local laws, ordinances and regulations applicable to Mobile Food Trucks.

873.05 RENEWALS.

No renewals shall be automatic. Any current licensee seeking a renewal of their license shall file with the City Clerk, no less than thirty (30) days prior to the expiration of their current license, an application for renewal, which shall meet all of the requirements of Section 873.02 hereof, and shall be accompanied by the requisite renewal fee of fifty dollars (\$50.00). Failure to timely submit an application for renewal shall result in a termination of the license at the end of the current licensing period.

873.06 VIOLATIONS.

Violations of any provision hereof shall be punishable by fine, and/or suspension or revocation of the license granted hereunder, in the sole discretion of the City Manager.”

Section 3. This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 4. This ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 6. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this _____ day of _____, 2017.

Dovie L. Anderson, City Clerk

YEAS:
NAYS:
ABSTAIN:
PRESENT:

APPROVED by the Mayor of the City of Freeport this ____ day of _____, 2017.

Jodi Miller, Mayor

Date Published:
Date Effective:

Approved as to form:

City Legal Counsel