

**CITY OF FREEPORT  
STEPHENSON COUNTY, ILLINOIS**

**ORDINANCE NO. 2017-32**

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

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**ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF FREEPORT, ILLINOIS**

**THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017**

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**Published in pamphlet form by authority of the  
City Council of the City of Freeport,  
Stephenson County, Illinois, this  
\_\_\_\_ day of \_\_\_\_\_, 2017.**

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

**ORDINANCE NO. 2017-32**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** as follows:

**Section 1.** That the following Chapter (entitled “CHAPTER 837 FOOD TRUCK VENDOR LICENSING AND REGULATION”) of *The Codified Ordinances of the City of Freeport* shall be created so such Sub-Sections, Sections and Chapter read as follows:

“CHAPTER 873 FOOD TRUCK VENDOR LICENSING AND REGULATION.

- (a) Definition. “Food Truck Vendor” means a person or business engaged in the selling of food from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration.
- (b) Licensing. Food Truck Vendors shall apply annually by March 1 for a Food Truck Vendor License to operate within the City of Freeport. Application for such shall be made to the City Clerk upon the prescribed form provided by the same. The annual fee shall be \$50. Any valid Transient Merchant license in effect at the date of this ordinance shall be automatically converted to a Food Truck Vendor License provided all vendor requirements are met at that time.
- (c) Vendor Requirements. A Food Truck Vendor must hold the following certifications at all times of operation within the City of Freeport, and documentation of such shall be provided to the City Clerk upon application for a Food Truck Vendor License, and at any other time upon request:
  - 1) Valid Stephenson County Health Department Food Establishment License (Category II)
  - 2) Proof of Liability Insurance providing one million dollars (\$1,000,000) coverage and naming the City of Freeport as additional insured
- (d) Regulations. A Food Truck Vendor must abide by the following regulations at all times of operation within the City of Freeport. Failure to do so may result in fines, citations or the rescinding of an issued Food Truck Vendor License.
  - 1) Food Truck Vendors shall not operate in the public right-of-way and shall only operate on private property or public property, as approved.
  - 2) Food Truck Vendors conducting retail sales on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such sales and operation.
  - 3) Food Truck Vendors shall operate for the purpose of conducting retail sales only on property zoned for Business (B) or Manufacturing (M) uses. Nothing shall prohibit a Food Truck Vendor from operating on property zoned otherwise if it is for the purpose of providing food service for a special event or providing catering services for a third party.

- 4) Food Truck Vendors shall operate only in locations that do not impair traffic, visibility or public safety, regardless of whether the location itself is private or public property.
- 5) Food Truck Vendors shall not operate at locations which also operate on-site motor fuel pumps.
- 6) Food Truck Vendors shall operate only on paved surfaces.
- 7) Food Truck Vendors shall not conduct retail sales from or be located upon any premises for more than 48 consecutive hours. An exception shall be made for Food Truck Vendors who own the underlying parcel of property and operate the primary business at the site where the Food Truck Vendor is located, and the commissary must also be located at that property. Exceptions regarding the conduct of retail sales or being located upon any premises in excess of 48 hours may also be granted for special events.
- 8) Food Truck Vendors shall not operate between the hours of 11:00 p.m. and 6:00 a.m. on any given day.
- 9) Food Truck Vendors shall be attended at all times during all posted or advertised operating hours.
- 10) Food Truck Vendors shall abide by all noise regulations as stated in Section 670.05 of Chapter 670, entitled Peace Disturbances.
- 11) Food Truck Vendors shall be responsible for proper disposal of all grease, litter and waste generated by their operation.
- 12) 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.
- 13) Food Truck Vendors shall not conduct major repairs or disassembly of a vehicle or trailer directly on the site of operation.
- 14) Nothing in this section shall apply to Food Truck Vendors operating at the Stephenson County Fair and/or upon the Stephenson County Fairgrounds. A Food Truck Vendor operating as such shall not be required to hold a Food Truck Vendor License.”

**Section 2.** This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

**Section 3.** 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 4.** All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

**Section 5.** 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 THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Martha Zuravel, City Clerk

YEAS:  
NAYS:  
ABSTAIN:  
PRESENT:

**APPROVED** by the Mayor of the City of Freeport this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

\_\_\_\_\_  
James L. Gitz, Mayor

Date Published:

Date Effective: