

**AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO LICENSING OF MOBILE FOOD VEHICLES**

WHEREAS, the City of Peoria, Illinois is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the City Council of the City of Peoria, Illinois wishes to provide the alternative of mobile food vehicles to consumers within the City of Peoria upon such terms and conditions as are reasonable; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Peoria, Illinois as follows:

Section 1. Section 18-496 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 496. Definitions.

* * *

Street and sidewalk vendor means any person engaged in the selling, or offering for sale, of food, beverages, goods, wares or merchandise on the public streets, sidewalks or rights of way from a stand, ~~motor vehicle~~ or from his person by locating the same in a fixed location for a period of time rather than by going from place to place within the city; provided, however, that a person licensed pursuant to section 26-12 shall not be considered a street and sidewalk vendor. Street and sidewalk vendor includes those with pushcart stand licenses and those with sidewalk station licenses.

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Section 2. There shall be added to the Code of the City of Peoria the following underlined words in Article XVI to Chapter 18 of the Code of the City of Peoria pertaining to mobile food vehicles:

ARTICLE XVI. MOBILE FOOD VEHICLES

Sec. 640. Definitions.

Mobile food vehicle means a commercially manufactured, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution. This term includes trucks and automobiles, which are required to be licensed and registered with the Illinois Secretary of State. The term does not include trailers.

Sec. 641. License required; application.

(a) It shall be unlawful for any person to operate within the City a mobile food vehicle, as defined in this chapter, without first having obtained a license for that

purpose. This licensing requirement does not apply to a person operating at a festival, farmer's market, or other event permitted by the City when the operator has the permission of the organizer of the event to be present at the event.

(b) Any person desiring to operate a mobile food vehicle shall make a written application for such license to the Comptroller or his/her designee. The application for such license shall be on forms provided by the Comptroller or his/her designee and shall include the following:

1. The name of the individual applying for the license.
2. The applicant's telephone number and driver's license number.
3. The address of the principal place of business of the applicant.
4. If the applicant is employed by another person or entity, the name of that employer, its address and telephone number.
5. The type of food to be sold or offered for sale.
6. The location or locations where the applicant plans to sell his goods.
7. Whether the applicant has ever been convicted of a criminal offense or ordinance violation (other than traffic or parking) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.
8. For proposed sites on private property, written permission of the owner of the property.
9. License plate number and registration of the vehicle proposed to be licensed.
10. A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Vendor shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice served upon the City of Peoria Finance Department. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required

herein is not maintained and evidence of continuing coverage is not filed with the City of Peoria Finance Department.

11. The proposed location(s) and times of operation for conducting business in accordance with this chapter. Vendors shall be required to provide to the City a signed statement that the vendor shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the permit. If the proposed location is private property, the applicant shall provide to the City written consent from the property owner.

Licensee shall notify the Comptroller or his/her designee within thirty (30) days of any change to application information.

(c) *License fees:* All vendors licensed under this chapter shall pay an annual license fee of five hundred dollars (\$500.00). Such cost shall include the approval of up to and including fifteen (15) locations on public property or right-of-way. Additional requests for location approval shall be charged \$20 each. The fee for any such license issued after July 1 in any calendar year shall be two hundred fifty dollars (\$250.00) for fifteen (15) locations and \$10 per additional location.

(d) *Form and conditions of license:* In addition to naming the vendor, the approved operating locations, diagram and other information deemed appropriate by the Comptroller or his/her designee, the mobile food vending license shall contain the following conditions:

1. Each mobile food vehicle vending license shall expire on December 31 of each year.
2. The license shall not be transferrable from person to person or from place to place without the approval of the Comptroller or his/her designee.
3. The approved operational location may be changed, either temporarily or permanently, by written notice from the vendor and consent of the Comptroller or his/her designee.
4. The license is valid for one (1) vehicle only.
5. There shall be issued to each vendor a suitable license that shall be permanently affixed to the vehicle, in a prominent location.

(e) The applicant shall file with the City, along with its application, a bond issued by an insurance company authorized to do business in Illinois in the penal sum of one thousand dollars (\$1,000.00) with the City named as obligee, conditioned on the faithful performance of the provisions of this article.

(f) The applicant shall file with the City, along with the application, proof of general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) per person, five hundred thousand dollars (\$500,000.00) per occurrence, and fifteen thousand dollars (\$15,000.00) for property damage, naming the City as co-insured.

Sec. 642. Location(s) review and restrictions.

Proposed operating locations shall be reviewed as follows:

(a) Upon receipt of a complete application for a license, the license shall be referred to the Director of Public Works for approval or disapproval of locations within the public right-of-way or upon City-owned property. The use of the licensed operating location for mobile food vending must be compatible with the public interest in use of the public right-of-way. In making such determination, the Director of Public Works shall consider the width of the public way, parking issues and traffic congestion, the weight that can be supported by the paving or street surface at the proposed location, the proximity and location of existing street furniture, including, but not limited to, utility poles, parking meters, bus shelters, benches, street trees, news racks, as well as the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other businesses or approved mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

(b) The Director of Public Works shall not approve a location where a mobile food vehicle would substantially obstruct a public way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety. The Director of Public Works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained on public sidewalks near where the mobile food vehicle is operating.

(c) The Director of Public Works shall not approve any location on public property or within the right-of-way that is within a residentially zoned area.

(d) It shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within one hundred (100) feet of a licensed food establishment, other than another mobile food truck or street and sidewalk vendor. Distance is measured from the edge of the parking space to any portion of the establishment's building. Where the establishment is located in a building with other tenants, distance is measured to the closest portion of the establishment's occupied space. This requirement may be waived if the application is submitted with the written consent of the proprietor of the adjacent licensed food establishment. No person or corporation shall either pay or accept payment for the written consent provided herein. This requirement shall not apply to the licensed food establishment affiliated with the mobile food vehicle vendor.

(e) The approved operating location(s) shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.

(f) If a license for the requested operating location(s) is denied, the applicant may select an alternate location(s), which shall also be referred to the Director of Public Works for review.

(g) The City may approve more than one (1) mobile food vehicle per public parking lot, but reserves the right to deny multiple vehicles at its discretion based on capacity. No vehicle shall not block required drive aisles.

(h) Vendor shall not operate a mobile food vehicle within five hundred (500) feet of any fair, carnival, circus, festival, special event, or civic event that is licensed or sanctioned by the City except when vendor has obtained the written permission of the holder of the event to operate within the event's boundaries. This prohibition shall not apply to indoor events at the Peoria Civic Center.

(i) No location shall be approved that is within five hundred (500) feet of a primary, middle or secondary school or school playground when school is in session or during any time school activities are taking place.

(j) A vendor may operate on private property only where allowed within the Zoning Code. A vendor shall not operate on private property within the corporate limits of the City without first obtaining written consent to operate from the affected private property owner. All operating locations involving private property must be reviewed and approved by the Zoning Administrator, but such approvals shall not count against the fifteen (15) public property or right-of-way location limit referenced in Sec. 641(c) above.

(k) No location shall be approved in the 200 and 300 blocks of Main Street, the 100 block of NE Adams Street and the 100 block of SW Adams Street.

(l) Operator must follow all traffic and parking laws set forth in Chapter 28 of the Code of the City of Peoria. If vehicle is parked at a location controlled by a parking meter during the hours of enforcement, the operator must pay the meter for the appropriate time and may only stand in that location for maximum time permitted by that meter. Alternately, the operator may also utilize the City's parking meter hood rental program (Section 28-302).

Sec. 643. License application review.

(a) Upon receipt of an application for a license, Comptroller shall cause a copy thereof to be sent to the Department of Public Works, Planning & Growth Management, and the Police Department, who shall report back to the Comptroller within fifteen (15) days concerning whether the application is in accordance with the applicable City codes and whether locations requested are appropriate.

(b) Upon receipt of the report from the City Departments referred to in Section 18-643(a) above, the Comptroller shall issue the license required under this division unless he shall find:

1. The applicant is under the age of 18.
2. The applicant has been convicted within the last five (5) years of any offense related to theft, burglary, fraud, criminal sexual assault or criminal sexual abuse, or offenses involving violence against another person.
3. That the applicant or his employer has had a license issued pursuant to this Article revoked for cause.
4. That the location(s) requested by the applicant is/are not proper for a mobile food vehicle.

Sec. 644. Revocation and suspension of license.

(a) Any license issued under this division may be revoked or suspended for a period not to exceed thirty (30) days by the City Manager if the City Manager shall find after a hearing:

1. That the licensee has violated any of the provisions of this article, the laws of the state, or the ordinances of the city while engaged in the business of a mobile food vendor.
2. That the licensee has been convicted of any offense set forth in subsection 18-643(b).
3. That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license or in an investigation into any such license.

(b) Prior to holding a hearing concerning the question of whether a license issued pursuant to this division shall be revoked or suspended, the city manager shall give at least ten (10) days' written notice to the licensee setting forth the alleged violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses.

Sec. 645. Restrictions.

(a) Hours of operation shall be limited to the hours between 7:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. Within the Downtown Business District and Warehouse District, there shall be no restriction on

hours of operation other than within three hundred (300) feet of a residential building or a mixed use building with a residential component, where the hours of operation shall be limited to between 7:00 a.m. and midnight. No approved mobile food vehicle shall be left unattended on a public way, nor remain on a public way outside of these allowed hours of operation.

(b) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

(c) No mobile food vehicle shall use external signs, bollards, seating, or any other equipment not contained within the vehicle while operating on public property or within the right-of-way.

(d) The mobile food vehicle shall not have a drive-through.

(e) Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.

(f) The mobile food vehicle must prominently display the name of the business owner.

(g) Any power required for the mobile food vehicle located on a public way shall be self-contained and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. All other power sources must be self-contained. No power cable or equipment shall be extended at grade across any City street, alley or sidewalk.

(h) All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the purposes set forth in the City's Code regulating commercial signage, to the extent applicable. In particular, exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety and shall be harmonious with the surroundings and consistent with the character of the community in which the mobile food vehicle operates.

(i) A licensee selling food and beverages from a vendor shall have available for public use their own twenty (20) gallon litter receptacle which is available for their patrons' use.

(j) No licensee shall leave his location without first picking up, removing and disposing of all trash or refuse from the sales made by the licensee. The licensee must clean from surfaces any stains caused by the business prior to leaving the location.

(k) No licensee shall solicit or conduct business with persons in motor vehicles.

(l) No licensee shall sell food or beverages without first obtaining a license to do so from the Peoria City/County Health Department.

(m) Each licensee shall utilize a cash register which is capable of keeping a record of all sales. All sales shall be run through the cash register and receipts shall be available to customers upon request. A cash register record and/or numbered receipts shall be made available to the Comptroller or his/her designee at the request of the Comptroller or his/her designee.

(n) No property interest is created by approving operation in any right-of-way or public property location.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of

_____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel