



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 19-09

**AN ORDINANCE REGULATING FOOD TRUCKS IN THE VILLAGE OF
ROCHESTER, ILLINOIS**

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Rochester

on APRIL 8, 2019

ORDINANCE NO. 19-09

AN ORDINANCE REGULATING FOOD TRUCKS IN THE VILLAGE OF ROCHESTER, ILLINOIS

WHEREAS, the Village of Rochester, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

WHEREAS, Chapter 7 of the Village of Rochester Code of Ordinances regulates the operation of certain businesses in the Village; and,

WHEREAS, the Village wishes to amend its code to provide a permitting and regulation process for operating food trucks within the Village; and,

WHEREAS, the Village Board of Trustees and the President of the Village of Rochester believe it is in the best interests of the Village to amend its Code as provided for below.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Rochester, County of Sangamon, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment to Chapter 7. Chapter 7 of the Village of Rochester Code of Ordinances is hereby amended by adding Article V as follows:

Article V – MOBILE FOOD VENDORS

7-5-1 DEFINITIONS.

For the purpose of this chapter, the following words and terms are hereby defined:

Fixed Point: The location of a mobile food vending operation that is the primary place from which the business will operate within the Village.

MOBILE FOOD VENDOR: A food vending operation that prepares/serves food from a permitted vehicle, trailer, or cart.

SPECIAL EVENT: For the purposes of mobile food vending, a special event shall mean a temporary operation and location, as part of an event or gathering such as fundraisers, company picnics, block parties, weddings, etc.

7-5-2 PERMIT REQUIRED.

It shall be unlawful for a mobile food vendor to engage in such business within the Village without first obtaining a permit in compliance with the provisions of this chapter.

A violation of this section shall be subject to penalty as provided in this Code.

7-5-3 APPLICATION FOR PERMIT; FEE.

(A) Application: Every mobile food vendor shall, prior to engaging in such activity, makes application to the Village for a mobile food vendor permit with the following information:

- (1) Name, address, and Federal employer identification number of the business;
- (2) A brief description of the nature of the business;
- (3) Name and address of applicant;
- (4) The length of time and the hours of operation the applicant wishes to be engaged in such activity (special event permit or fixed point mobile food vendor permit);
- (5) A description of the vehicle, trailer, or cart including any license plate number or other means of identification;
- (6) A drawing depicting the location of the vehicle, trailer, or cart and identifying any additional requirements as required in this chapter;

(B) Fee: At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider shall be delivered to the Village payable to the Village or the investigation service provider, as the case may be, at the time the license application is submitted to cover the cost of investigation.

Further, at the same time of filing the application, the following fees shall be paid to the Village by the applicant:

(1) Special event mobile food vendor permit: Fifty dollars (\$50.00) per permit.

(2) Fixed point mobile food vendor permit: Three Hundred Dollars (\$300.00) per month.

(C) False Information: It shall be unlawful for any person to engage as a mobile food vendor within the Village if any of the information furnished by the applicant, as required by this chapter, which is material to his/her character and responsibility or to the activity (s)he proposed to engage in, has been falsely stated or is converse to his/her character.

7-5-4 REQUIREMENTS.

(A) Special Event Mobile Food Vendors: Permits for the operation of special event mobile food vending will be reviewed on a case-by-case basis with an emphasis on public safety. Zoning, location, hours of operation, parking requirements, etc., will be reviewed as a special event following the same process used for outdoor special events permits defined in this Code.

All mobile food vendors for special events shall possess a permit and remain in good standing with the Village.

(B) Fixed Point Mobile Food Vendors: Fixed point mobile food vendors are permitted in B-1, B-2, I-1, and I-2 Zoning Districts, except mobile food vendors shall not be permitted in any Village parks, and provided the location meets the following:

(1) Each vendor must receive written authorization from the property owner on the form provided by the Village.

(2) The location cannot be within two hundred fifty feet (250') from the property line of any other permanent prepared food service vendor. This provision may be waived in writing by the impacted business(es).

(3) The entire vehicle, trailer, or cart must comply with all setback requirements for the zoning district in which the mobile food vending operation will occur. A minimum twenty-five foot (25') setback is required for any zoning classification if the required setbacks are less. The location of mobile food vending operations and equipment shall be entirely at or behind the front plane of any building or structure related to the primary use of the property. An

exception will be made to allow mobile food vendors to operate beyond the front plane of the building when a business or property has more than one hundred (100) parking stalls (subject to staff review).

(4) A minimum of five (5) dedicated parking spaces beyond those required for the primary business are required.

(5) Fixed point mobile food vendors shall not operate before ten o'clock (10:00) A.M. or after nine o'clock (9:00) P.M. No vehicle, trailer, or equipment related to mobile food vending operations shall be on the property from ten o'clock (10:00) P.M. to nine o'clock (9:00) A.M.

(6) Fixed point mobile food vendors shall only be permitted to operate from May 1st through the second to last full weekend in October.

(7) A drawing to scale depicting the location of any vehicles or equipment used in the mobile food vending operation, including compliance with setbacks and dedicated parking spaces is required to be submitted with the application for a fixed point mobile food vendor permit.

(C) General Requirements:

(1) Signs: No free-standing signage, flags, banners, etc., shall be allowed.

(2) Public Health And Safety: All mobile food vendors shall meet public safety requirements, including health, sanitation, and fire and life safety requirements. Food may only be dispensed from a properly sanitized conveyance licensed by the Sangamon County Public Health Department. Applicants shall demonstrate proof of valid food safety permit from the Sangamon County Health Department and comply with all required regulations during the duration of the Village's permit. Failure to maintain a food safety permit from the Sangamon County Health Department will result in an immediate termination of the Village's mobile food vendor permit.

(3) Fire And Life Safety: Requirements for fire and life safety shall generally be the same as those applied to other restaurants within the Village. Additionally, mobile food vendors preparing food on-site shall conform with NFPA standards for "Mobile and Temporary Cooking Operations" (NFPA 1: Fire Code, ch. 50.7 and

annex "B") and standards for "Ventilation Control and Fire Protection of Commercial Cooking Operations" (NFPA 96) and ensure gas or fuels are separated from the cooking/serving area and smoke and carbon monoxide detectors are installed.

(4) Safety Inspections: Any vehicle over eight thousand (8,000) pounds and trailers with a gross weight over five thousand (5,000) pounds shall obtain an Illinois Department of Transportation Certificate of Safety. Safety inspections are required every six (6) months. Garages or service stations licensed by the Illinois Department of Transportation (IDOT) may conduct safety inspections.

(5) Sight-Triangle: Vehicles and equipment shall be arranged so as not to limit sight of vehicles and drivers on Village streets.

(6) Advertisement By Loud Noises or Bright Lights: No mobile food vendor shall carry on his trade by means of loud outcries or other noises that unreasonably alarm residents of the Village. No mobile food vendor shall employ lights that create a nuisance across lot lines. Determination of nuisance or unreasonable alarm shall be made by the Village Manager or his/her duly appointed agent.

(7) Sanitization: Mobile food vendors shall have access to a toilet with hand sanitization, within three hundred feet (300') of the portable vending operation, at all hours that the facility is open for business.

(8) Waste: Mobile food vendors shall provide a stable waste receptacle that is emptied and maintained on a regular basis.

(9) Electricity: If any power is required, it shall be protected with ground fault circuit interrupters and be provided through a properly sized, UL approved card that is safely installed.

(10) Inspection: Staff will conduct inspections to ensure compliance with the provisions of this chapter as necessary. A re-inspection fee of twenty-five dollars (\$25.00) may be charged for failed inspections.

7-5-5 INVESTIGATION OF APPLICANT.

Verification Of Information: The Village Clerk shall promptly submit the complete application to the Police Department for verification. The Police

Department shall complete the verification and investigation in no more than thirty (30) days.

7-5-6 ISSUANCE OR DENIAL OF PERMIT.

(A) Submittal To Village:

(1) All such applications, upon being processed by the Police Department, shall be submitted to the Village Manager with a determination as to whether or not all requirements of this chapter have been met.

(2) If the applicant does not satisfactorily meet any of the above requirements or background verification, no permit should be issued. If the above requirements are satisfactorily met, then a permit shall be issued.

(B) Contents Of Permit; Transferability:

(1) The permit herein required shall express the time the mobile food vendor is permitted to operate and continue, the name of the person and the article, identification of a vehicle, if any, and whether said permittee will pass from place to place or remain at a fixed point or place within the Village.

(2) Permits shall not be assignable or transferable and shall be identified as a "mobile food vendor permit", specifying "special event" or "fixed point" with an identifying number and date of purchase.

(3) Each registrant shall affix his signature to the "mobile food vendor permit" as required by this section.

7-5-7 EXPIRATION OF PERMIT; RENEWAL.

Term; Expiration: Special event mobile food vendor permits shall be granted for one year for the period of May 1 to April 30 and fixed-point mobile food vendor permits shall be for the period requested within the requirements outlined in this chapter.

7-5-8 REVOCAION OF PERMIT.

(A) Cause For Revocation: The permits issued pursuant to this chapter may be revoked, after notice, for any of the following causes:

(1) Any fraud, misrepresentation, or false statement contained in the application for permit.

(2) Any violation of this chapter.

(B) Notice Of Revocation: Notice of revocation of a permit shall be given in writing and set forth specifically the grounds for revocation.

7-5-9 APPEALS.

(A) Any person aggrieved by the decision of the Village Manager regarding the denial of application for a permit as provided in this chapter or in connection with the revocation of a permit as provided for in this chapter, shall have the right to appeal to the Village Board of Trustees.

(B) Such appeal shall be taken by filing a written statement setting forth the grounds for the appeal, with the Village Manager within fourteen (14) days after notice of the decision by the Village Manager has been mailed to the applicant's last known address.

(C) The Village Board of Trustees shall schedule a hearing on such appeal at the next regular Board meeting. Notice of hearing shall be given to such person in the same manner as provided for notice of hearing on revocation.

Section 3 Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 8 day of APRIL, 2019, at Rochester, Sangamon County,
 Illinois.

	YES	NO	ABSENT	PRESENT
MATT BUTCHER	✓			
MARIBETH EANDI	✓			
HAROLD HENDRICKSON	✓			
JOE HILL	✓			
STACIA MUNROE	✓			
DOUG ZOBRIST			✓	
JOSEPH C. SUERDIECK	✓			
TOTAL	6	0	1	0

APPROVED by the President of the Village of Rochester, Illinois this 8 day of
APRIL, 2019

Joseph C. Suerdieck
 JOSEPH C. SUERDIECK, Village President

Attest:

Lynn Langdon
 LYNN LANGDON, Village Clerk