



## REQUEST FOR COUNCIL ACTION

**To: Honorable Mayor and Members of the City Council**  
**From: Patrick Urich, City Manager**

**AGENDA DATE REQUESTED:** June 12, 2012

**ACTION REQUESTED: APPROVE AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO LICENSING OF MOBILE FOOD VEHICLES AND AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO HOODS FOR METERS. (REPLACEMENT COMMUNICATION)**

**BACKGROUND:** For the past three months, City staff has been working to craft an ordinance that would allow mobile food vehicles (“food trucks”) to operate within the City of Peoria. Food trucks have seen a recent resurgence of popularity, particularly in urban environments. Many communities have looked to adopt policies regulating their operation. The City Council first considered an ordinance permitting food truck operations at their April 10, 2012 meeting. Council expressed a desire to see some additional public input on this issue and to increase the fee associated with food trucks in order to protect investment of traditional restaurants in downtown and create a more level playing field between food trucks and sidewalk vendors (“pushcarts”). A revised ordinance was discussed at the May 8, 2012 City Council meeting. The main revision was an increase in the cost of obtaining a permit (increased from \$500 annually):

Location	Own A Restaurant in Peoria	Do Not Own a Restaurant in Peoria
Vending in the Downtown Business District <sup>1</sup>	\$2,400/year	\$3,400/year
Vending outside the Downtown Business District	\$100/year	\$100/year

At the May 8 meeting, Council asked staff to make a number of additional revisions, including the strengthening of standards and creating better protection for downtown restaurants. The attached ordinance (both red-line and regular) attempts to incorporate Council’s concerns:

### Protection of Existing Restaurants

- The definition of the “Downtown Business District” has been expanded to include portions of the Warehouse District bounded by Kumpf, the Illinois River, Persimmon and Jefferson. (See attached map.)
- The number of locations within the Downtown Business District from which food trucks can operate have been reduced (see attached map). Food trucks will only be allowed to operate from the following areas:
  - In front of the Civic Center along Fulton Street
  - Behind the County Courthouse along Hamilton Boulevard
  - Along Jefferson Street and Adams Street between Oak Street and Persimmon Street
- Only three permits for operating a food truck in the Downtown Business District will be issued each year.
- For food truck operations outside of the Downtown Business District, the distance that a food truck must be parked from an existing restaurant has been increased from 100’ to 200’.

<sup>1</sup> If license issued after July 1, price is \$1,200 and \$1,700, respectively.

### Standards

- As part of the application process, proprietors must provide a written and visual description of their proposed vehicle. This can be compared to the actual vehicle when operational, with material differences being grounds for revocation.
- A provision has been added that vehicles must be kept in good operating condition with no visible peeling paint or rust.
- Should more than three applications for a Downtown Business District permit be sought, the City will select the best three applicants based upon aesthetics, menu and health record.
- As in previous versions of the ordinance, operators must obtain a license from the Peoria City/County Health Department. Health Department license and inspection are based on the Illinois Food Service Sanitation Code (Subpart H deals directly with "Mobile Food Units"). Among the requirements within this code is smooth, non-absorbent, and easily cleanable surfaces; adequate facilities for hand washing and equipment washing; equipment to maintain foods at proper temperatures; and proper exhaust and fire suppression systems. Like traditional restaurants, mobile food vehicles must comply with all food safety regulations. According to the Health Department, mobile food operations (including pushcarts) are inspected more frequently than traditional restaurants.

### Definitions

- The definition of a mobile food vehicle was expanded to include pull-behind trailers. Staff's initial concern about trailers involved conducting certain activities outside of the unit (i.e. standing in the street to operate a grill). The ordinance allows trailers so long as all operations are performed from within the vehicle.

### Enforcement of Tax Collection

- The ordinance was clarified to indicate that mobile food vehicles are included in the definition of "restaurants" under Chapter 27 of the municipal code, which outlines the collection of local restaurant taxes.
- A food truck is often a "cash business" and assuring compliance on tax collection can be problematic. The City has a similar problem enforcing these regulations on sidewalk vendors, some restaurants, and bars and nightclubs (especially collecting amusement taxes on cover charges). The City Manager is prepared to further discuss efforts to enforce these provisions.

In addition to adopting these ordinances, two additional actions will be proposed at the June 26, 2012 City Council Meeting:

1. The ordinance creates a new mobile food vehicle permit and outlines rules for operating on public property or within the right-of-way only. The Zoning Commission approved a text amendment to the Zoning Code at its May 3, 2012 meeting that will allow for operation of food trucks on private property that has institutional or industrial zoning so long as permission is obtained from the property owner. That text amendment will also need to be approved by the full City Council.
2. Some members of Council were concerned about adding more mobile food vendors (food trucks and sidewalk vendors) to downtown. The food truck ordinance creates up to three licenses in the Downtown Business District. There are currently 13 approved locations for street and sidewalk vendors ("pushcarts"), though only seven active licenses. In order to keep the total number of potential mobile food locations at no more than 13, staff would propose revising the street and sidewalk vendor ordinance so that the number of approved locations could be limited to ten beginning in 2013. Should only two Downtown food truck licenses be issued, staff would have the flexibility of adding an eleventh location for a sidewalk vendor if such a request was made.

In preparing these regulations, staff has endeavored to balance the needs of vendors to have flexibility and certainty and the concerns of surrounding property owners, businesses and residents. The ordinances create application and review mechanisms, limit operating hours, require that the operator

have a valid license from the Health Department, and establish policies regarding litter and noise. Food trucks will be allowed to operate from legal parking spaces on the City right-of-way and public parking lots with prior approval from Public Works.

**FINANCIAL IMPACT:** Undetermined. The City would gain revenue from the sale of the permits.

**NEIGHBORHOOD CONCERNS:** The City has attempted to allay concerns of neighborhoods and businesses in a number of ways:

1. The City will review and approve all locations from which the food truck will be allowed to operate.
2. A food truck may not operate from City right-of-way in residentially zoned areas.
3. A food truck may not operate from within 200 feet of an established restaurant, except in downtown where they are restricted to certain locations.
4. When operating within 300 feet of a residential building, hours of operation are restricted (7 a.m. to midnight in downtown and the Warehouse District; 7 a.m. to 10 p.m. everywhere else).
5. The ordinance addresses issues of lights, noise and litter.

Staff organized two public meetings on this issue (April 25 and April 30) in order to receive comment from interested individuals and groups. Staff has continued to receive input, albeit more limited, from the public on the issue. Much of the expressed concern from both opponents and proponents was incorporated into the final ordinance.

**IMPACT IF APPROVED:** The permit will be created and available to entrepreneurs.

**IMPACT IF DENIED:** The permit will not be created and food trucks will not generally be permitted to operate within the City of Peoria. Without this ordinance, food trucks would remain classified as “peddlers” and would not be able to stand for a period of time and serve patrons.

**ALTERNATIVES:** The proposed ordinance could be amended to be more or less restrictive. For example, the City Council could expand or contract the approved locations for operation within the Downtown Business District; prohibit operation within Downtown; or limit operation to private property exclusively.

**EEO CERTIFICATION NUMBER:** Not applicable.

**WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL’S 2011 – 2026 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?**

1. Grow Businesses
2. Lively Downtown/Warehouse District

**WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?**

1. Grow employers and jobs.

REQUIRED SIGNATURES	
<b>Department Director</b>	_____ Legal Department
<b>Finance Director</b>	_____ (Certification of Availability of Funds)
<b>Corporation Counsel</b>	_____
<b>City Manager</b>	_____

### Proposed Downtown Business District Food Truck Locations



**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.

\* \* \*

**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 is a self-contained motorized vehicle or trailer from which cooked, wrapped, packaged, or processed foods are sold for immediate consumption and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. Mobile food vehicles do not include street and sidewalk vendors.*

~~*Mobile food vehicle means a commercially manufactured, motorized mobile food unit in which cooked, wrapped, packaged, or processed foods are sold for immediate consumption. 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.*~~

*Downtown Business District* shall mean the following described territory or district:

Commencing at the intersection of the extended southwest right-of-way line of Persimmon Street and the Illinois River; thence up Persimmon Street along said right-of-way line to its intersection with northwest right-of-way line of Jefferson Avenue; thence northeast along said right-of-way line of Jefferson Avenue to its intersection with the extended southwest right-of-way line of Kumpf Boulevard; thence up Kumpf Boulevard along said right-of-way line to its intersection with northwest right-of-way line of Perry Avenue; thence northeast along said right-of-way line of Perry Avenue to its intersection with the southwest right-of-way line of Interstate Highway 74; thence down said right-of-way line of Interstate Highway 74 to its intersection with the Illinois River; thence down the Illinois River to the point of commencing.

~~Commencing at the intersection of the extended southwest right-of-way line of Kumpf Boulevard and the Illinois River; thence up Kumpf Boulevard along said right-of-way line to its intersection with northwest right-of-way line of Perry Avenue; thence northeast along said right-of-way line of Perry Avenue to its intersection with the southwest right-of-way line of Interstate Highway 74; thence down said right-of-way line of Interstate Highway 74 to its intersection with the Illinois River; thence down the Illinois River to the point of commencing.~~

**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. A description of the vehicle to be used in conducting business including, but not limited to, a description of any method to display food or products to be offered for sale. The description of the vehicle may be in the form of detailed scale drawings of the vehicle to be used, material specifications, and an isometric drawing in color of at least two (2) views showing all four (4) sides and any logos, printing or signs which will be incorporated and utilized in the color scheme. Said description may include any additional items (e.g., color and material samples, layouts of signs and graphics, or photographs) which may reasonably be necessary to clearly visualize the proposed design.

~~7.8.~~ 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.

~~8.9.~~ For proposed sites on private property, written permission of the owner of the property.

~~9.10.~~ License plate number and registration of the vehicle proposed to be licensed.

~~10.11.~~ 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.

~~12.11.~~ 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:* To operate within the Downtown Business District, all vendors licensed under this chapter shall pay an annual license fee of \$3,400.00 per year, from January 1 through December 31. If the licensee operates a licensed restaurant within the City of Peoria, the fee shall be \$2,400.00 per year. Should the license be issued after July 1 of any year, the fee shall be \$1,700.00 or \$1,200.00, respectively, for the remainder of the year. Should the applicant only seek to operate from locations outside of the Downtown Business District, the annual fee shall be \$100. Payment of either annual fee shall include the approval of up to and including twenty-five (25) locations on public property or right-of-way. Additional requests for location approval shall be charged \$20 each.

(d) *Restriction on number of licenses issued for operation in the Downtown Business District: The City may issue an unlimited number of mobile food vehicle permits for operation outside of the Downtown Business District, as defined in this chapter. Within the Downtown Business District, the City will issue no more than three licenses each year. For the remainder of 2012, these licenses will be issued on a first-come, first-serve basis. For 2013 and beyond, the City will take applications up until the first Monday of the December of the prior year. Should more than three applications be submitted, the City shall select the three applications it deems most appropriate to operate in the downtown area based on menu, aesthetics, Peoria City County Health Department input, and longevity. If less than three applications are received, the City may issue remaining, up to three, on a first-come, first-serve basis.*

~~(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.

(ef) 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.

(fg) 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) Except for within the Downtown Business District, 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-two~~ hundred (~~100200~~) feet of a licensed food establishment, other than another mobile food vehicle 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. Within the Downtown Business District, mobile food vehicles may only operate from locations shown in green on the attached map, marked as Exhibit A, and made a part hereof.

(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 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 twenty-five (25) public property or right-of-way location limit referenced in Sec. 641(c) above.

(k) Operator must follow all traffic and parking laws set forth in Chapter 28 of the Code of the City of Peoria. When issued a license to operate within the Downtown Business District, the licensee shall also be provided with two meter hoods exclusively for use in conjunction with the licensed business and abiding by all rules set forth in Section 28-302. Government use of any parking meters within the Downtown Business District take precedence over mobile food vehicles.

**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. Licensees shall be subject to all terms and conditions of Article VIII of Chapter 27 of this code. Mobile food vehicles are restaurants within the meaning of Section 27-176 of this Code.

(n) Mobile food truck vehicles shall be kept in good operating condition. No peeling paint or rust shall be visible.

(o) For mobile food vehicles vending from the public right-of-way, all food storage, preparation and sale must be performed from within the vehicle.

~~(p)~~ 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

|

**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.

\* \* \*

**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* is a self-contained motorized vehicle or trailer from which cooked, wrapped, packaged, or processed foods are sold for immediate consumption and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. Mobile food vehicles do not include street and sidewalk vendors.

*Downtown Business District* shall mean the following described territory or district:

Commencing at the intersection of the extended southwest right-of-way line of Persimmon Street and the Illinois River; thence up Persimmon Street along said right-of-way line to its intersection with northwest right-of-way line of Jefferson Avenue; thence northeast along said right-of-way line of Jefferson Avenue to its intersection with the extended southwest right-of-way line of Kumpf Boulevard; thence up Kumpf Boulevard along said right-of-way line to its intersection with northwest right-of-way line of Perry Avenue; thence northeast along said right-of-way line of Perry Avenue to its intersection with the southwest right-of-way line of Interstate Highway 74; thence down said right-of-way line of Interstate Highway 74 to its intersection with the Illinois River; thence down the Illinois River to the point of commencing.

**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. A description of the vehicle to be used in conducting business including, but not limited to, a description of any method to display food or products to be offered for sale. The description of the vehicle may be in the form of detailed scale drawings of the vehicle to be used, material specifications, and an isometric drawing in color of at least two (2) views showing all four (4) sides and any logos, printing or signs which will be incorporated and utilized in the color scheme. Said description may include any additional items (e.g., color and material samples, layouts of signs and graphics, or



photographs) which may reasonably be necessary to clearly visualize the proposed design.

8. 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.
9. For proposed sites on private property, written permission of the owner of the property.
10. License plate number and registration of the vehicle proposed to be licensed.
11. 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.
12. 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:* To operate within the Downtown Business District, all vendors licensed under this chapter shall pay an annual license fee of \$3,400.00 per year, from January 1 through December 31. If the licensee operates a licensed restaurant within the City of Peoria, the fee shall be \$2,400.00 per year. Should the

license be issued after July 1 of any year, the fee shall be \$1,700.00 or \$1,200.00, respectively, for the remainder of the year. Should the applicant only seek to operate from locations outside of the Downtown Business District, the annual fee shall be \$100. Payment of either annual fee shall include the approval of up to and including twenty-five (25) locations on public property or right-of-way. Additional requests for location approval shall be charged \$20 each.

(d) *Restriction on number of licenses issued for operation in the Downtown Business District:* The City may issue an unlimited number of mobile food vehicle permits for operation outside of the Downtown Business District, as defined in this chapter. Within the Downtown Business District, the City will issue no more than three licenses each year. For the remainder of 2012, these licenses will be issued on a first-come, first-serve basis. For 2013 and beyond, the City will take applications up until the first Monday of the December of the prior year. Should more than three applications be submitted, the City shall select the three applications it deems most appropriate to operate in the downtown area based on menu, aesthetics, Peoria City County Health Department input, and longevity. If less than three applications are received, the City may issue remaining, up to three, on a first-come, first-serve basis.

(e) *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.

(f) 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.

(g) 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) Except for within the Downtown Business District, it shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within two hundred (200) feet of a licensed food establishment, other than another mobile food vehicle 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. Within the Downtown Business District, mobile food vehicles may only operate from locations shown in green on the attached map, marked as Exhibit A, and made a part hereof.

(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 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 twenty-five (25) public property or right-of-way location limit referenced in Sec. 641(c) above.

(k) Operator must follow all traffic and parking laws set forth in Chapter 28 of the Code of the City of Peoria. When issued a license to operate within the Downtown Business District, the licensee shall also be provided with two meter hoods exclusively for use in conjunction with the licensed business and abiding by all rules set forth in Section 28-302. Government use of any parking meters within the Downtown Business District take precedence over mobile food vehicles.

**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. Licensees shall be subject to all terms and conditions of Article VIII of Chapter 27 of this code. Mobile food vehicles are restaurants within the meaning of Section 27-176 of this Code.

(n) Mobile food truck vehicles shall be kept in good operating condition. No peeling paint or rust shall be visible.

(o) For mobile food vehicles vending from the public right-of-way, all food storage, preparation and sale must be performed from within the vehicle.

(p) 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