

ORDINANCE 17,297

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. There shall be added to the Code of the City of Peoria the following underlined words and deleting the following stricken 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 a mobile food vehicle from the public right-of-way within the City, 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. This must include a preliminary menu.
6. 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. 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. License plate number and registration of the vehicle proposed to be licensed.
9. 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. 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.

10. When seeking a renewal, applicants must submit an accurate record of sales, organized by date, from the previous year. Upon request, the Licensee must produce documentation in a manner acceptable by the City sufficient to verify the record of sales, such as dated cash register records or numbered receipts. For 2016 renewals, these records should reflect sales made from June 1, 2015 through December 31, 2015.
11. For operations outside of the Downtown Business District, the location or locations where the applicant plans to sell his/her goods.

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. The fee may be pro-rated in whole month increments for applicants during their first year of operation. The pro-rated fee will cover the period beginning from the first month of operation through the end of the year. An applicant may only receive one pro-rated fee. Should the applicant only seek to operate from the public right-of-way at locations outside of the Downtown Business District, the annual fee shall be \$300. There shall not be any rebates for vendors that fail to operate for an entire year.

(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 (3) mobile food licenses each year.

(e) *Selection of Downtown Business District license holders.* The City desires to create a program for mobile food vehicle vending within the Downtown Business District to create a sense of place and to provide a vibrant culinary experience at street level for downtown Peoria. The City Manager shall create a staff committee to review applications for Downtown Business District licenses. The committee is authorized to establish guidelines for selection which shall be posted on the City's website and be

available upon request. For 2015, applications will be accepted, reviewed and licenses granted on a first-come, first-serve basis. For 2016 and beyond, the committee shall establish a timeframe in which applications will be accepted and processed. For 2016 and beyond, seniority shall be a dominant factor. The committee is not obligated to issue all available licenses.

(f) *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.

(g) 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.

(h) 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) 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.

(b) Upon receipt of a complete application for a license for operations outside of the Downtown Business District, the license shall be referred to the Director

of Public Works for approval or disapproval of locations within the public right-of-way. 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.

(c) 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 four (4) feet must be maintained on public sidewalks near where the mobile food vehicle is operating.

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

(e) 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 three hundred (300) 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.

(f) The approved operating location(s) shall be indicated on the license. The license must be prominently displayed on the vehicle.

(g) 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.

(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) Operator must follow all traffic and parking laws set forth in Chapter 28 of the Code of the City of Peoria. In the Downtown Business District, the City shall restrict parking in the designated operating location(s) for mobile food vehicles only. Government use of any parking spaces takes 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, Community Development Department, the Fire Department 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.

(c) The City has a right to reject the application for any mobile food vehicle whose appearance and/or aesthetic quality it believe would negatively impact the City.

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) Within the Downtown Business District and Warehouse District, there shall be no restriction on hours of operation. Outside of the Downtown Business District, hours of operation shall be limited to the hours between 7:00 a.m. and midnight. Outside of the Downtown Business District, 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. No approved mobile food vehicle shall be left unattended on a public way. When parked in the right-of-way, a mobile food truck must be open for business, actively preparing for opening or actively closing down.

(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. 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 and twenty (20) gallon recycling container 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) All mobile food vehicles must adhere to Fire Department guidelines, including but not limited to an annual inspection, random inspections, and participation in periodic classroom training.

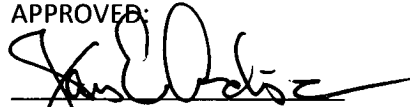
(q) All mobile food vehicles must be equipped with a geographic positioning system (GPS) device that must be registered with the City and operational whenever the licensee is open for business within the City of Peoria.

(r) 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 24th day of

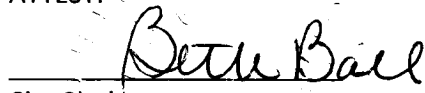
November, 2015.

APPROVED:



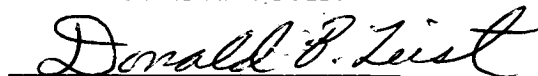
Mayor

ATTEST:



City Clerk

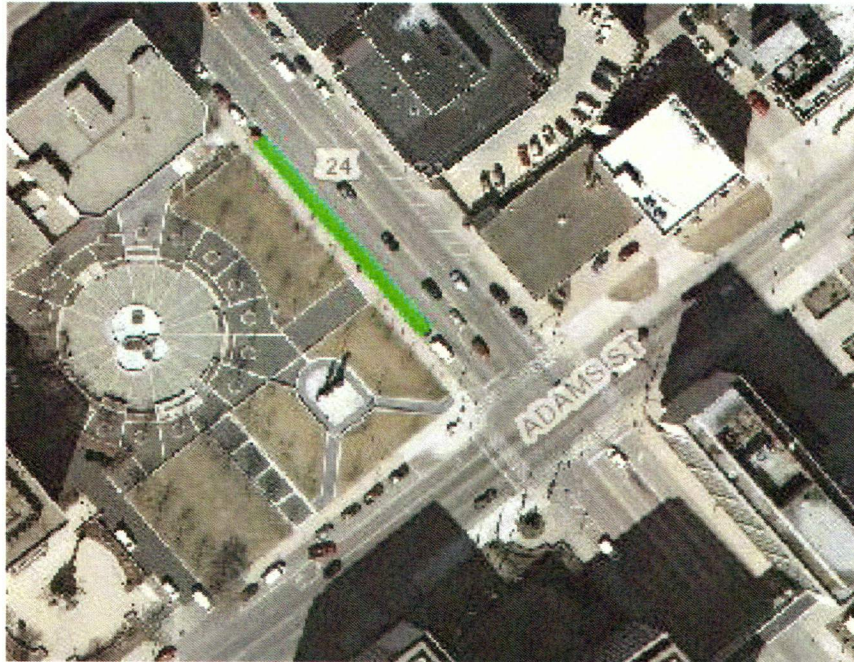
EXAMINED AND APPROVED:



Corporation Counsel

Exhibit A
Downtown Business District Operating Locations

Southwest side of 300 block of Hamilton Blvd



West side of 200 block of SW Jefferson Street

