

ORDINANCE NUMBER 24-31
AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE,
COOK AND KANE COUNTIES, ILLINOIS, AMENDING VILLAGE CODE
SECTION 37.01, AND CHAPTERS 113 AND 120, CONCERNING FOOD TRUCKS

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Section 37.01 of the “Code of the Village of East Dundee,” as amended (“Village Code”), sets forth the fees and fines for food trucks in the Village; and

WHEREAS, Chapter 113 of the Village Code governs use of vending units in the Village; and

WHEREAS, Chapter 120 of the Village Code governs use of the Village’s Depot and Depot Park; and

WHEREAS, the Village desires to amend Chapters 37, 113, and 120 of the Village Code to clarify the regulations governing the operation of food trucks in the Village; and

WHEREAS, the President and Board of Trustees have determined it to be in the best interest of the Village to amend the Village Code;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

SECTION 2: Amendment to Section 37.01. That Section 37.01, titled “Fee and Fine Schedule,” of Chapter 37, titled “Fees and Fines,” of the Village Code is hereby amended as follows, with additions **bold** and double-underlined and deletions ~~struck through~~:

“§37.01 FEE AND FINE SCHEDULE.

* * *

(R) ~~Vending unit~~ **Food Truck** licenses (Chapter 113 ~~and Chapter 120~~).

(1) New application: ~~\$300~~ **\$150**

(2) ~~New application received June 30:~~ **\$150**

(3) Renewal: \$150

(4) ~~Renewal application received after January 1:~~ **\$150 plus \$10/business day after January 1**

~~(5) Depot Food Truck Zone application: \$75 per day plus \$100 security deposit~~

* * *

SECTION 3: Amendment to Chapter 113. That Chapter 113, titled "Vending Units," of the Village Code is hereby amended as follows, with additions **bold** and double-underlined and deletions ~~struck through~~:

~~"CHAPTER 113: VENDING UNITS~~ **FOOD TRUCKS**

§ 113.01 Definitions.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~COMMISSARY. Any duly licensed food establishment in which food, containers or supplies are kept, handled, prepared, packaged, or stored and directly from which mobile vending units are serviced, and where mobile vending units are cleaned.~~

~~MOBILE VENDING UNIT~~ **FOOD TRUCK**. A vending unit vehicle or trailer-mounted food establishment from which the retail sale of food or drink for human consumption is conducted, and is not equipped with permanent potable water, wastewater, or electric connections, and which is designed and operated to be readily movable. (e.g. a mobile truck moving from location to location continuously). The unit shall return daily to a commissary for supplies, cleaning and for all servicing operations. ~~The unit does not have permanent potable water, wastewater, or electric connections.~~

~~NONMOBILE VENDING UNIT. A vending unit that maintains one fixed location. The vending unit shall be provided with permanent potable water, wastewater and electric connections at the fixed location to ensure no interruption in operations.~~

FOOD TRUCK LICENSE. The license issued under this chapter.

FOOD TRUCK OPERATOR. Any person who physically operates a Food Truck for purposes of vending.

~~OWNER. The titleholder of the vending unit~~ **Food Truck.**"

~~PERSON. Any individual, partnership, firm, corporation, trust, association or other entity.~~

~~PUSHCART. A self-propelled vehicle, either by foot or bicycle, serving food.~~

VENDING. The act of selling, or offering to sell, any food or beverage for human consumption from a vending unit Food Truck or pushcart on private property.

~~VENDING UNIT. A vehicle mounted food establishment from which the retail sale of food or beverage for human consumption is conducted. A vending unit includes what is commonly referred to as a FOOD TRUCK.~~

~~VENDING UNIT OPERATOR. Any person who physically operates a vending unit or pushcart.~~

~~VENDING UNIT LICENSE. The license issued under this chapter.~~

§ 113.02 LICENSE REQUIRED.

(A) No person shall engage in, conduct, maintain, operate or carry on any vending unit Food Truck business, occupation, activity or establishment without first obtaining a vending unit Food Truck license.

(B) In the event that the applicant will be operating more than one such vending unit Food Truck, the applicant must file separate applications and obtain separate vending unit Food Truck licenses for each such vending unit Food Truck.

§ 113.03 GENERAL REQUIREMENTS AND RESTRICTIONS.

(A) ~~Vending unit Food Truck licenses shall be annual, commencing no earlier than from January 1 to and terminating no later than December 31 of each year.~~

(B) Food Trucks may only operate on private property with the consent of the property owner.

(C) Licensed vending units Food Trucks may be operated from 10:00 a.m. to sunset or 8:00 p.m., whichever is earlier, Friday to Monday, or as otherwise approved by the Village Administrator or the Village Administrator's designee, 8:00 a.m. to 8:00 p.m. Sunday through Saturday, including holidays.

(D) Food Trucks operating at a place of business may only operate during the business's normal hours of operation and within the permitted hours of operation provided in 113.03(C). An applicant for a vending unit license for a mobile vending unit shall supply the name and address of the commissary where the vending unit will be cleaned and serviced, and if such vending unit is not stored at the commissary, the name and address of the place where such vending unit will be stored when not in use. The Department of Health must approve of such locations.

(E) Operation of a Food Truck on residential property is limited to the date, time, and any other condition as determined by the Village Administrator or the Village Administrator's designee.

(F) Notwithstanding any other provision in this section, Food Trucks may not operate on any vacant lot or any lot with a vacant building unless approved by the Village Administrator or the Village Administrator's designee.

(G) Prior to the issuance of a vending-unit Food Truck license, the applicant shall comply with any and all requirements or regulations maintained by the Kane County Health Department or the Cook County Department of Public Health, as applicable, and the Fire Protection District relating to food handling and the operation of a vending unit, which may include a consultation to review the proposed business practices, the vending-unit Food Truck and other equipment to be used, and food safety operations.

(H) ~~Mobile vending units shall operate from a commissary and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.~~ Food Trucks may only operate on public property during village-approved events or as otherwise approved by the Village Administrator or the Village Administrator's designee.

(I) ~~Pushcarts shall be~~ are prohibited.

(J) Before a vending-unit Food Truck license is issued, a vending-unit Food Truck owner must provide a certificate of insurance evidencing the vending-unit Food Truck owner has obtained a commercial general liability insurance policy for liability arising in any way from the issuance of the vending-unit Food Truck license or activities conducted pursuant to the vending unit license with limits of not less than \$1,000,000 per occurrence, combined single limit, for bodily injury and property damage. The certificate shall name the Village of East Dundee and its elected and appointed officers, officials, agents, and employees are included as an additional insured. If a vending-unit Food Truck license is issued, the licensee shall maintain the insurance described herein in full force and effect for the duration of the license period, Certificates shall contain an agreement signed by the insurance company that prior to modification, cancellation or termination of the subject policy, written notice shall be sent to the Village Clerk by said insurance company.

(K) No person shall be employed may operate as a vending-unit Food Truck operator without a valid driver's license.

(L) No vending-unit Food Truck license shall be issued to any person, or to any entity employing any person as a vending-unit Food Truck operator, who has been convicted of the commission of a felony under the

laws of the State of Illinois or any other state or federal law of the United States, within the previous five years or convicted at any time of a crime requiring registration on any sex offender list or database or a felony involving drugs, the use of a firearm in the commission of an offense, or any violent felony; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose ~~vending unit~~ **Food Truck** license issued hereunder has previously been revoked as herein provided.

(M) The Village President, Police Chief of the East Dundee Police Department or Village Administrator, **or their designee(s)** may from time to time reasonably restrict the locations within the municipal limits of the Village of East Dundee in which ~~vending units~~ **Food Trucks** may be operated in order to promote the public safety. Any ~~vending units~~ **Food Truck** operator failing to comply with the direction of a duly authorized village official regarding the ~~vending units~~ **Food Truck's** location of operation may be subject to suspension and revocation as provided herein.

(N) **Door to door sales are prohibited.**

(O) **Vending is allowed only when the Food Truck is lawfully stopped.**

(P) **Vending is allowed only from the side of the Food Truck away from moving traffic and as near as possible to the curb or side of the street. Vending to a person standing in the roadway is prohibited.**

(Q) **The Food Truck shall contain a convex mirror mounted on the front so the driver can see the area in front of the Food Truck while operating the vehicle.**

(R) **Food Trucks operating at a place of business may operate only within a parking lot.**

(S) **Food Trucks may only operate when in compliance with all applicable health regulations.**

(T) **The Food Truck license fee shall be set pursuant to Chapter 37 of this Code.**

(U) **The sale of liquor from any Food Truck is prohibited.**

(V) **The issuance of Food Truck licenses is at the discretion of the Village Administrator or the Village Administrator's designee. The Food Truck license may be denied or revoked for violation of this code or ordinance.**

(W) At its discretion, the Village may issue a Food Truck license for any community event sponsored by the Village regardless of the day of the week or hours of operation.

(X) Food Truck operators may not use tents in the operation of their Food Trucks.

~~§ 113.04 MOBILE VENDING UNIT REQUIREMENTS AND RESTRICTIONS~~ Reserved.

~~In addition to the general restrictions and requirements found at § 113.03 hereof, the following requirements and restrictions shall apply to mobile vending units:~~

~~(A) Door to door sales shall be prohibited.~~

~~(B) Vending is allowed only when the mobile vending unit is lawfully stopped.~~

~~(C) Vending is allowed only from the side of the mobile vending unit away from moving traffic and as near as possible to the curb or side of the street. Vending to a person standing in the roadway is prohibited.~~

~~(D) The mobile vending unit shall contain a stop signal arm that can be extended horizontally from the left side of the vending unit duplicating the design and size of a standard octagonal stop sign as set forth in the State of Illinois Manual of Uniform Traffic Control Devices.~~

~~(E) The mobile vending unit shall contain a convex mirror mounted on the front so the driver, in his/her normal seating position, can see the area in front of the vending unit.~~

~~(F) Mobile vending units shall be prohibited from vending in any Business District within the village, as described in Chapter 157 of the Code of Ordinances of the Village of East Dundee.~~

~~§ 113.05 NONMOBILE VENDING UNIT REQUIREMENTS AND RESTRICTIONS~~ Reserved.

~~(B) Temporary vending unit licenses for nonmobile vending units to operate on a fixed location on public property may be issued for village recognized community events. Temporary vending unit licenses for nonmobile vending units to operate within the Depot Food Truck Zone may be issued in accordance with § 120.08.~~

~~(C) Prior to the issuance of a vending unit license, a nonmobile vending unit must obtain a lease agreement for the location to be licensed if the location is not owned by the vending unit license applicant.~~

§ 113.06 APPLICATION.

(A) Application for a vending unit Food Truck license shall be filed with the Village made upon a form as provided by the village office of the Village Clerk and filed with such. Said license shall be carried by the applicant while operating the vending unit Food Truck and shall be displayed at all times in a place readily visible to all customers. The applicant shall truthfully state in full the provide in full the information requested on the application:

* * *

(3) Description of the proposed vending unit operation of the Food Truck;

(4) Proposed route for mobile vending unit (including location of commissary) or site plan of location for nonmobile vending units;

(5)(4) All required state and county certificates, including, without limitation, the The applicant's certificate of registration under the Illinois Retailers' Occupation Tax Act;

(6)(5) Any vending unit operator shall be All required to obtain a food handling permits and mobile vending food unit permits (if applicable) from the Kane County Health Department or the Cook County Department of Public Health, as applicable, and the Fire Protection District;

(7)(6) A lease agreement for nonmobile vending units located on private property under the ownership of others, or proof of ownership of the private property;

(8)(7) Valid Certificate of liability insurance;

(9)(8) Whether a vending unit Food Truck license issued under this chapter has ever been revoked;

(10)(9) Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter or the ordinance of any other Illinois municipality regulating the activities of vending unit Food Truck operators;

(11)(10) A sworn statement from the applicant and any person to be employed as a vending unit Food Truck operator that he/she has not been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States, within the previous five years, and that he/she has not been convicted, at any time, of a crime requiring registration on any sex offender list or database or a felony involving drugs, the use of a firearm in the commission of an offense, or any violent felony."

(11) Written permission from the property owner.

* * *

§ 113.07 ISSUANCE OF LICENSE.

(A) ~~The office of the Village Clerk, after consideration of the application and all information obtained relative thereto, shall, within ten 15 business days of application, approve or deny the application. If the person does not possess the qualifications for such certificate, as herein required, and the issuance of a certificate of registration to approval of the applicant would not be in accord with the intent and purpose of this chapter, then the office of the Village Clerk shall deny the application. Endorsement shall be made by the office of the Village Clerk upon the application of the denial of the application. If the applicant is found to be fully qualified, the certificate of registration shall be issued within five business days of the application approval so long as the application fees have been fully paid. Any certificate of registration issued pursuant to this chapter shall expire one year after issuance.~~

~~B) The office of the Village Clerk shall cause to be kept an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all licenses issued under the provisions of this chapter and of the denial of applications.~~

SECTION 4: Amendment to Section 120.08. That Section 120.08, titled "Depot Food Truck Zone," of Chapter 120, titled "Requests for the Use of the Depot and Depot Park," of the Village Code is hereby stricken in its entirety.

SECTION 5: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 6: Severability. That if any Section, paragraph, or provision of this Ordinance shall be held to be invalid and unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 7: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

SECTION 8: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

[SIGNATURE PAGE FOLLOWS]

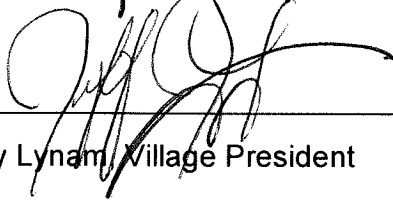
PASSED this 23rd day of September 2024 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, and Sauder

NAYES: Ø

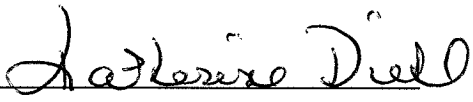
ABSENT: Treiber and Saviano

APPROVED by me this 23rd of September 2024.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk