

VILLAGE OF HANNA CITY  
PEORIA COUNTY, ILLINOIS

ORDINANCE NO. ~~20~~21-06-06

AN ORDINANCE REGULATING MOBILE FOOD TRUCK VENDORS IN THE VILLAGE  
OF HANNA CITY

WHEREAS, the Village of Hanna City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, the Village of Hanna City may regulate the sale of all beverages and food for human consumption, and may locate and regulate the places where and the manner in which any beverage or food for human consumption is sold; and

WHEREAS, the Village of Hanna City has received at least one inquiry into the operation of food trucks within the Village's corporate limits; and

WHEREAS, the Village of Hanna City currently does not have any regulations specific to the licensing and operation of food trucks within Village limits; and

WHEREAS, the Village Board of the Village of Hanna City has deemed it necessary and in the best interest of the Village to establish regulations and permit requirements for mobile food truck vendors in the Village of Hanna City.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hanna City, Peoria County, Illinois, as follows:

**Section 1.** The foregoing recitals are hereby incorporated herein as if fully set forth.

**Section 2.** Section 1 of Chapter 112 of the Village Code of the Village of Hanna City shall be amended to include a definition of "Mobile Food Truck Vendor" which shall read as follows:

***MOBILE FOOD TRUCK VENDOR.*** The operator or proprietor of a motorized vehicle intended or designed for the cooking or preparation of hot and cold ready-to-eat food, prepackaged foods and drink for sale or distribution on a temporary basis at locations that may change from time to time. Ice cream trucks are exempt from the definition of "Mobile Food Truck Vendor."

**Section 3.** Section 1 of Chapter 112 shall be further amended by the addition of a second sentence to the definition of "*INTINERANT MERCHANT*" which shall read as follows:

Mobile Food Truck Vendors, as defined by this Section, are exempt from the definition of "Itinerant Merchant" and are not subject to the licensing procedures as laid out in Sections 25 through 32 of this Chapter.

**Section 4.** Chapter 112 of the Village Code of the Village of Hanna City shall be amended by the addition of Sections 33 through 40, which shall read as follows:

#### MOBILE FOOD TRUCK VENDORS

##### §112.33 PERMIT REQUIRED

- (a) Mobile Food Truck Vendors, as defined in this Chapter, are prohibited from operation within the Village of Hanna City unless having first obtained a permit for such purpose.
- (b) Any person desiring to operate as a Mobile Food Truck Vendor shall make a written application for such permit to the Village Administrator or his/her designee. The application for such permit shall be on forms provided by the Village Administrator or his/her designee and shall include the following:
  1. Name, signature and address of each applicant and each corporate officer;
  2. Name and address of the approved commercial supply source, if applicable;
  3. A description of the preparation methods and food product offered for sale, including the intended menu, display, and the type of distribution containers;
  4. The anticipated volume of food to be stored, prepared and sold;
  5. Proof of access to restrooms with a hand sink for use by employees within two hundred (200) feet of the Mobile Food Truck Vendor during times when the vehicle is parked in one (1) location for more than two (2) hours. Proof of access shall be evidenced by written agreement between the Vendor and the business or entity which will provide such restroom access;
  6. A valid copy of the license issued by the Peoria County Health Department authorizing the operation of the proposed mobile food establishment, and any licenses or permits required by State and County Health and Transportation Authorities incidental thereto.
  7. Proof that during all times of Mobile Food Truck Vendor operation in the Village, at least one (1) certified trained food handler or someone holding a Food Service Sanitation Manager Certificate must be present on the vehicle.
  8. A signed statement that the vendor shall hold harmless the Village and its officers and employees, and shall indemnify the Village, 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.
  9. Proof of liability insurance providing coverage of not less than five hundred thousand dollars (\$500,000.00) per occurrence. A permit 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 provided to the Village of Hanna City.

10. The proposed location(s) and times of operation for conducting business in accordance with this Chapter. Mobile Food Truck Vendors shall be required to provide to the Village 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. No application will be accepted for a permit to operate at a location where a current permit has been issued or a complete application is pending. If the proposed location is private property, the applicant shall provide to the Village written consent from the property owner.
11. Mobile Food Truck Vendors shall notify the Village Administrator or his/her designee within thirty (30) days of any changes to the application information required under this Section.

#### §112.34 PERMIT FEES

All Mobile Food Truck Vendors licensed under this Chapter shall pay to the Village a fee of fifty dollars (\$50.00) per week of operation or per event in which the Vendor is conducting business. A “week” shall mean a period of seven (7) consecutive days without regard to the number of hours during which the Mobile Food Truck Vendor was in operation.

#### §112.35 OPERATION ON PRIVATE PROPERTY

All Mobile Food Truck Vendors licensed under this Chapter may operate on private property in any zoning district other than residential districts, with the exception of Mobile Food Truck Vendors operated as part of an approved special event.

#### §112.36 HOURS OF OPERATION

A Mobile Food Truck Vendor may only operate between the hours of 7:00 A.M. and 10:00 P.M.

#### §112.37 SALES TAX

All Mobile Food Truck Vendors shall provide to the Village Administrator their Illinois Business Tax (IBT) number and shall maintain a mobile point-of-sale system which uses GPS to determine the sale location and compute the appropriate tax rate for such location.

#### §112.38 CONDITIONS ON OPERATION

All Mobile Food Truck Vendors are subject to the following conditions:

- (a) Receptacles for refuse must be provided and all waste must be properly disposed of.
- (b) All noise regulations of the Village must be complied with. Amplified sound or music emanating from the vehicle is prohibited.
- (c) Signage that is painted on, or permanently affixed to, the vehicle is allowed. Displaying additional signs, such as freestanding sandwich boards, is prohibited, except when used to display the Mobile Food Truck Vendor's menu.
- (d) Parking in fire lanes, handicap parking spaces, or in any other location that will impede traffic flow or create unsafe conditions for pedestrians is prohibited.

#### §112.39 DENIAL OF PERMIT

A Mobile Food Truck Vendor may be denied a permit under this Chapter for any of the following reasons:

- (a) The applicant has previously failed to comply with the conditions on operation under Section 112.38.
- (b) The applicant has been convicted by the Village of Hanna City for a violation of any provision of this Chapter.
- (c) The applicant has failed to qualify for any other license or permit required under Section 112.33.

#### §112.40 REVOCATION OF LICENSE

The Village of Hanna City may revoke any food truck permit under any of the following conditions:

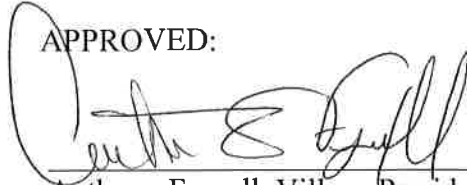
- (a) The permit-holder is found in violation of this Chapter, the statutes of the State of Illinois, or ordinances of the Village of Hanna City related to the public health, safety, or fire protection;
- (b) The permit-holder has made a false material statement in its permit application;
- (c) The permit-holder fails to comply with any of the provisions, terms, or conditions of the permit issued pursuant to this Chapter; or
- (d) The owner of the private property on which the Mobile Food Truck Vendor is operating has communicated to the Village in writing that the Mobile Food Truck Vendor no longer has permission to operate on the owner's premises.

**Section 5.** Should any portion of this Ordinance be held invalid or illegal, the remaining portions hereof shall continue in full force and effect.

**Section 6.** This Ordinance shall be in full force and effect from and after ten (10) days following its passage, publication and approval as required by law.

PASSED, PUBLISHED IN PAMPHLET FORM AND APPROVED THIS 15<sup>th</sup> DAY  
OF JUNE, 2021, by a vote of 5 ayes and 0 nays.

APPROVED:



Anthony Fryxell, Village President

SEAL:

ATTEST:



Denise Siadek, Village Clerk

COUNTY OF PEORIA

VILLAGE OF HANNA CITY

