



AGENDA
COMMITTEE OF THE WHOLE MEETING
MONDAY, OCTOBER 17, 2016
NORTH AURORA VILLAGE HALL - 25 E. STATE ST.
(Immediately following the Village Board Meeting)

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Discussion of Mobile Food Vendors
2. Discussion of Future Land Uses for 24 S. Lincolnway

TRUSTEE COMMENTS

EXECUTIVE SESSION

ADJOURN

Initials JB

VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: MOBILE FOOD VENDORS
AGENDA: 10/17/2016 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

On September 21, 2016, staff discussed stationary food vendors and mobile food vendors with the Development Committee. The Committee was in favor of mobile food vendors, but not stationary food vendors, citing the aversion of trailers being permanently located on commercial properties and the potential inequity placed on brick-and-mortar restaurants. The Development Committee directed staff to create regulatory language pertaining to mobile food vendors and bring it before the Committee of the Whole. The following language provides regulatory framework for mobile food vendors, which is based upon regulations adopted by the Village of Montgomery:

Mobile Food Vendor shall be regulated as follows:

Definition of a Food Mobile Vendor: A person, company, or entity that operates a motorized vehicle that travels through the Village seeking sales of only food and beverage items, or by a wheeled cart that utilizes human propulsion for the purpose of selling only food and beverage items.

1. General Regulations

- a. No person shall operate as a Mobile Vendor in North Aurora without a Health Department Permit issued by the County.*
- b. Each Mobile Vendor shall supply a trash receptacle for use by the customers. Prior to leaving each stop, the vendor shall remove any litter left at the stop by consumers. Sales other than food and beverage items are prohibited.*
- c. No Mobile Vendor shall stop at any time for the purpose of making sales on private property without the consent of the property owner.*
- d. Mobile Vendors shall observe all local, county and state traffic codes and observe all municipal ordinances.*
- e. No Mobile Vendor shall stop at any time for the purpose of making sales in any area designated for parking and drive aisles.*
- f. No Mobile Vendor shall stop for the purpose of making a sale for more than two hours in a single location, unless serving as an approved vendor as part of a special event approved by the Village Board.*

g. While making a sale, the vehicle must be maneuvered as close to the curb as possible and the driver must engage four-way flashing "hazard" lights for the duration of the stop. In no event shall a Motorized Vendor stopped for the purpose of making a sale prevent the passage of other vehicles on the right-of-way.

h. Mobile Vendors may stop for the purpose of making sales only between the hours of 6:30 a.m. and 8:00 p.m., unless serving as an approved vendor as part of a special event approved by the Village Board.

i. Signage shall be contained to the surface of the vehicle.

Staff would like to pose the following questions to the Village Board in consideration of food vendors:

Do you want to allow stationary food vendors in the Village?

Do you want to allow mobile food vendors in the Village?

Would the Village Board prefer that a permit or license be required for vendors?

Are there any additional regulations that should be considered?

Memorandum

To: Development Committee Members

cc: Steve Bosco, Village Administrator

Prepared By: Mike Toth, Community and Economic Development Director

Date: September 21, 2016

Re: Food Trucks

ITEM

Staff was approached by a group interested in setting up a trailer for food sales on the Sherwin Williams property located at 1891 Orchard Gateway Boulevard. The intent would be produce and serve food directly from the trailer during certain business hours. The trailer itself would also remain on the property until seasonally removed. The operation would utilize the site amenities (parking spaces, drive aisles, etc.) provided by Sherwin Williams. This same group conducts a similar operation in Sycamore, IL. The Village of Montgomery provides a thorough definition for 'Stationary Food Vendors':

Any person, company, or entity that is in possession of a vehicle (including, but not limited to, motorized vehicles, non-motorized vehicles, carts, bicycles, trailers and other similar devices whether self-propelled, propelled by other vehicles or propelled by humans/animals) that contains facilities for food storage and preparation and uses said vehicle to offer for sale food and beverage items to third parties in the Village of Montgomery subject to the time limitations in the following sentence. Any such vehicle is a stationary food vendor when located at the same point for a time period in excess of one hour for the purpose of offering and selling food and beverage items to third parties at the vendor's location.

Staff has also received various inquiries from operators of "mobile food vendors" inquiring about any specific regulations pertaining to the operation of producing and selling food from a mobile unit that intermittently moves from one location to the next in a given day. The Village does not currently have any regulations either allowing or prohibiting such operations, but has informed operators that they can operate in the Village as long as they obey traffic code, are not in violation of any other municipal code and receive permission from private property owners. The Village of Montgomery provides a thorough definition for 'Mobile Food Vendors':

A person, company, or entity that operates primarily in the public right-of-way or on public parks, either with a motorized vehicle that travels through the Village seeking

sales of only food and beverage items, or by a wheeled cart that utilizes human propulsion for the purpose of selling only food and beverage items.

Staff has analyzed the governing framework of 10 municipalities in the suburban Chicago area in order to better understand what other communities allow such uses and how they are regulated. Of the 10 municipalities examined, only one (Sycamore) allows stationary food trucks to remain on the property for longer than a 24 hour period under their Peddler's License provisions, as long as they are not located in the downtown. Montgomery and Sugar Grove allow stationary food trucks, but the vehicle and all equipment must be removed from the site daily.

Staff found that 9 of the 10 municipalities allow mobile food vendors to some varying degree. Some communities allow them only in certain zoning districts, while others regulate the amount of time allowed to remain at one given location.

Staff is now soliciting feedback from the Development Committee on stationary food trucks and mobile food vendors and asks that the Committee address the following questions:

Do you want to allow stationary food vendors in the Village? If so, how you would you prefer they be regulated?

Do you want to allow mobile food vendors in the Village? If so, how you would you prefer they be regulated?

Mobile Food Vendors

	Regulations	Where/What Code Says
North Aurora	<ul style="list-style-type: none"> No regulations or policies in place as of now Looking for ideas 	<ul style="list-style-type: none"> Not in the code No consideration to trailers claiming to be "food trucks"
Aurora	<ul style="list-style-type: none"> Licensing through revenues and finance department May set up during lunch hours at a business Special event allowed Can't set up permanently 	<ul style="list-style-type: none"> Under Chapter 32: Peddlers and Solicitors (<i>Code in packet</i>)
Batavia	<u>Need to Have</u> <ul style="list-style-type: none"> Peddlers licenses Health licenses Can't be competing with brick and mortars restaurants 	<ul style="list-style-type: none"> Technically they aren't allowed, but for special events and occasionally in industrial areas they are "allowed"
Bolingbrook	<ul style="list-style-type: none"> No regulations in the zoning ordinances Do not want to issue business licenses to them so looking for an alternative approach 	<ul style="list-style-type: none"> Not in code and are in the same situation as us
Elgin	<ul style="list-style-type: none"> No mobile food trucks or peddlers on public property/city parks Industrial parks can have roach coaches, but cannot stay in one location for more than 15 min 	<ul style="list-style-type: none"> Need a Kane County health department licenses for the food Businesses can get temporary permit Special events and city festivals are only time they allow mobile food trucks and peddlers
Geneva	<ul style="list-style-type: none"> County health department regulations seem to discourage them 	<ul style="list-style-type: none"> Don't allow food trucks
Montgomery	<u>2 Different Licenses</u> <ul style="list-style-type: none"> <i>Stationery Food Vendor</i>: allows for only one location and has an annual fee of \$100 <i>Mobile Food Vendor</i>: allows for multiple locations and has an annual fee of \$225 	<ul style="list-style-type: none"> Under Zoning Ordinance- Stationary and Mobile Food Vendors begins on page 66 of the Ordinance (<i>Code in packet</i>)
South Elgin	<ul style="list-style-type: none"> Encourages food truck activity in parks and downtown Brings community members to downtown redevelopment area 	<ul style="list-style-type: none"> Chapter 115: Peddlers , Solicitors and Scavengers

St. Charles	<p>Allowed on private properties as long as they have:</p> <ul style="list-style-type: none"> • Permission from property owners • Are allowed in that particular zoning district 	<ul style="list-style-type: none"> • No licensing process for food trucks • City Council does not like the idea of allowing these on public property
Sugar Grove	<p><u>Outdoor Food Vendors</u></p> <ul style="list-style-type: none"> • May be allowed daily and up to 9 months on private property • Need Special Event Permit 	<ul style="list-style-type: none"> • Recently amended Village Code for better regulation for "Special Events" (<i>Email in packet</i>)
Sycamore	<ul style="list-style-type: none"> • Permit process with annual fee of \$50 a year <p>Have hours, location and other zoning provisions (Code explains it best)</p>	<ul style="list-style-type: none"> • They have this in their municipal code under "Peddlers, Solicitors, and Itinerant Merchants" (<i>Code in packet</i>)

Packet in this Order:

1. Sycamore
2. Montgomery
3. Sugar Grove
4. Aurora

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Title 3: Chapter 4- Peddlers, Solicitors and Itinerant Merchants

- [3-4-1: DEFINITIONS:](#)
- [3-4-2: PERMIT REQUIRED:](#)
- [3-4-3: APPLICATION FOR PERMIT; FEE:](#)
- [3-4-4: INVESTIGATION OF APPLICANT:](#)
- [3-4-5: ISSUANCE OR DENIAL OF PERMIT:](#)
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CITY GOVERNMENT



PUBLIC SAFETY



PUBLIC WORKS



DEVELOPMENT

- 3-4-9: APPEALS:
- 3-4-10: CONSTITUTIONAL GUARANTEES:

3-4-1: DEFINITIONS:

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

ITINERANT MERCHANT: A person engaged in business who conducts a temporary or transient business in the city of selling commodities, articles or services with the intention of continuing such business in the city for not more than one hundred twenty (120) days and who, in such business, uses, leases or occupies any part of the city for the display of such commodities or articles or in connection with the offering of such services.

PEDDLER: A person engaged in business who sells or offers for sale any commodity or article on any street, sidewalk, park or public place, or who travels from place to place in the city, or who sells or offers for sale and delivery from any vehicle or pushcart going from place to place in the city any commodity or article, and who carries such commodity or article with him/her for delivery at the time of sale.

PLACE TO PLACE: Shall include residential, industrial and business establishments, but shall not apply to the wholesale selling of commodities or articles for the further resale or use in industrial and business establishments.

SOLICITOR: A person engaged in business, going from place to place in the city seeking orders or subscriptions for services or for commodities not carried with him at the time he is seeking orders or at the time of sale. (1988 Code §14.402; amd. Ord. 2004.79, 4-4-2005)

3-4-2: PERMIT REQUIRED:

It shall be unlawful for a "peddler" or "itinerant merchant" or "solicitor", as defined in section 3-4-1 without first obtaining a permit therefor in compliance with the provisions of this chapter. (1988 Code §14.401; amd. 1994 Code)

A violation of this section shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 2005.78, 1-3-2006)

3-4-3: APPLICATION FOR PERMIT; FEE:

A. Application: Every peddler, solicitor and itinerant merchant shall, prior to the engaging in such activity, register with the department of police and furnish, in writing, the following information:

1. Name and description of applicant.
 2. Address (permanent and local).
 3. A brief description of the nature of the business and the goods to be sold.
 4. The name and address of the person by whom the applicant is employed or with whom he is associated.
 5. The length of time the applicant wishes to be engaged in such activity.
 6. If a vehicle is to be used, description of the same, together with permit number or other means of identification.
 7. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be approximately two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishable manner, and such character and business responsibility.
 9. A statement of whether the applicant has ever been convicted of a felony and if so, what, when and where.
- (1988 Code §14.403)

B. Fee: At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider shall be delivered to the city clerk payable to the city or the investigation service provider, as the case may be, at the time the license application is submitted to cover the cost of investigation. (Ord. 2002.67, 1-6-2003)

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

1. Peddler fee: Fifty dollars (\$50.00) per year.
 2. Solicitor fee: Twenty five dollars (\$25.00) per day.
 3. Itinerant merchant fee: Fifty dollars (\$50.00) per year.
- (Ord. 2013.45, 4-21-2014)

C. Felony Conviction Or False Information: It shall be unlawful for any person to engage as a peddler, solicitor or itinerant merchant within the city if any of the information furnished by him, as required by this chapter, which is material to his character and responsibility or to the activity he proposed to engage in, has been falsely stated or is adverse to his character or if he has been convicted of a felony in the past five (5) years. (1988 Code §14.404)

3-4-4: INVESTIGATION OF APPLICANT:

A. Verification Of Information: It shall be the duty of the chief of police to promptly make such verification of the information stated by the applicant as the circumstances require and complete such investigation in not more than twenty (20) days after the filing any person to engage as a peddler, solicitor or itinerant merchant within the city until such time has elapsed from the date on which he has submitted an application and furnished the information required by this chapter unless, prior to the expiration of that twenty (20) day period, the chief of police advises the registrant that the facts stated by him in compliance with

the registration requirement have been sufficiently verified.

(1988 Code §14.404)

3-4-5: ISSUANCE OR DENIAL OF PERMIT:

A. Submittal To Clerk:

1. All such applications, upon being processed by the police department, shall be submitted to the city clerk with a determination as to whether or not all requirements of this chapter have been met.

2. If the applicant does not meet the above requirements, the police chief shall advise the city clerk that no permit should be issued. If the above requirements are satisfactorily met, herein required shall express the time it is to operate and continue, the name of the person and the article, thing or merchandise permitted, identification of a vehicle, if any, and whether said permittee will pass from place to place or remain at a fixed point or place in the city. (1988 Code §14.405; amd. 1994 Code)

2. Permits shall not be assignable or transferable and shall be identified as a "solicitor's permit" with identifying number and date of purchase. (1988 Code §14.403; amd. 1994 Code)

3. Each registrant shall affix his signature to the "solicitor's permit" required by this section. (1988 Code §14.404)

3-4-6: RESTRICTIONS ON PERMIT:

A. Trespassing: No peddler, canvasser, itinerant merchant or solicitor shall enter upon any private residence in the city without having been requested or invited to do so by the owner or occupant of said residence for the purpose of pursuing his business of peddling or soliciting if there is posted at a place that can be readily seen by one approaching said residence a sign bearing the legend "No Peddlers", "No Solicitors" or words of similar import.

B. Hours: No peddler, solicitor or itinerant merchant shall go upon any private residence in the city for the purpose of pursuing his business of peddling or soliciting, without having been requested or invited to do so by the owner or occupant of said private residence, before the time of ten o'clock (10:00) A.M. and after a reasonable time in light of the trade being pursued.

C. Advertisement By Loud Noises: No peddler, solicitor or itinerant merchant shall carry on his trade by means of loud outcries or other noises that unreasonably alarm resist of prohibited streets which shall be available in the office of the city clerk. (Ord. 2004.79, 4-4-2005)

E. Portable Food Vending:

1. Shall be located within C-2 and C-3 zoning districts excluding the area bounded by Elm Street, Main Street, Exchange Street, and California Street.
2. Shall be a holder of a valid city of Sycamore peddler's license.
3. Shall be located on private property, with written permission of the property owner.
4. Shall have access to a toilet with hand sanitization, within three hundred feet (300') of the portable vending operation, at all hours that the facility is open for business.
5. Shall provide a stable waste receptacle that is emptied and maintained on a regular basis.
6. Shall be located so as not to limit a driver's visibility, in an area with adequate paved vehicle parking.
7. Shall be located near approved access/egress to a public street.
8. Food may only be dispensed from a properly sanitized conveyance licensed by the DeKalb County public health department.

9. If any power is required, it shall be protected with ground fault circuit interrupters and be provided through a properly sized, UL approved card that is safely installed. (Ord. 2009.58, 3-15-2010)

3-4-7: EXPIRATION OF PERMIT; RENEWAL:

A. Term; Expiration: Permits shall be granted for the period requested; provided, no permit shall be ge of issuance. Provided, if such permittee does not actively engage in business within the city during a ninety (90) day period, such person will inform the police department when he is ready to resume business activities. (1988 Code §14.408; amd. 1994 Code)

3-4-8: REVOCATION OF PERMIT:

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

1. Any fraud, misrepresentation or false statement contained in the application for permit.
3. Any violation of this chapter.
4. Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.

B. Notice Of Revocation: Notice of revocation of a permit shall be given, in writing, setting forth specifically the grounds of the complaint. (1988 Code §14.405; amd. 1994 Code)

3-4-9: APPEALS:

A. Any person aggrieved by the decision of the city clerk in regard to the denial of application for a permit as provided in section 3-4-5 of this chapter or in connection with the revocation of a permit, as provided for in section 3-4-8 of this chapter, shall have the right to appeal to the city council.

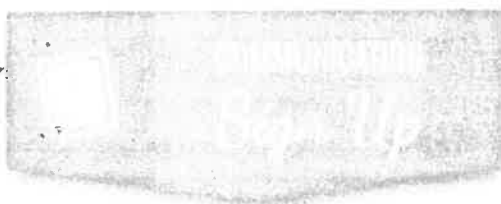
B. Such appeal shall be taken by filing a written statement setting forth the grounds for the appeal, with the city clerk within fourteen (14) days after notice of the decision by the city clerk has been mailed to such person's last known address.

C. The council shall then schedule a hearing on such appeal at the next regular council meeting. Notice of such hearing shall be given to such person in the same manner as provided in section 3-4-8 of this chapter for notice of hearing on revocation. (1988 Code §14.406; amd. 1994 Code)

3-4-10: CONSTITUTIONAL GUARANTEES:

No provision of this chapter shall be construed so as to deprive any person freedom of speech as guaranteed by the constitution of the state or the constitution of the United States or as any infringement upon businesses engaged in interstate commerce. (1988 Code §14.409)

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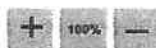
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308 W. STATE STREET . SYCAMORE, IL.

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David R. Hansen

From: Denise Setchell <dsetchell@cityofsycamore.com>
Sent: Thursday, August 11, 2016 3:41 PM
To: David R. Hansen
Cc: John Sauter
Subject: RE: Mobile Food Truck Vendors

Oh, he's the Taco guy. I think the name is Nina's Tacos. He's not stationary, he's in a mobile unit. Although I do believe, he just closes it down and does not move it out on a daily basis. He is required to go through our Peddler permit process. The only thing we (meaning our Building Department) require is that they be zoned properly to provide food service at that property. They are also required to obtain permission from the land owner to conduct business on their property (part of the permit process). They are also required to obtain a permit through the DeKalb County Health Department to ensure the food is being prepared properly and up to sanitary standards. We have Nina's Tacos and also a BBQ place located in our Blaine's Farm & Fleet parking lot. Both are required to get a Peddler's permit.

If you need verification of the name and any references of the vendor, you can contact our Clerk's Office, 815-895-4515. The Clerk processes all of these permits/licenses.

For what it's worth, these food trucks are becoming a hot item and, I've heard, (haven't tried it personally yet) that the food is terrific at these two locations.

Let me know if you need anything further.

Best regard,

Denise E. Setchell
Assistant to the Building & Engineering Department
T: 815-895-4434
F: 815-895-7572

Sycamore Sycamore Sycamore



From: David R. Hansen [mailto:DHansen@northaurora.org]
Sent: Thursday, August 11, 2016 2:56 PM
To: Denise Setchell <dsetchell@cityofsycamore.com>
Cc: Michael Toth <mtoth@northaurora.org>
Subject: RE: Mobile Food Truck Vendors

Hello Denise,

I was referring to this trailer. (Attached). This trailer has approached us about doing potential business in our community and mentioned doing past business in Sycamore. How did you guys approach this? We are curious.

Here is the link in Google Maps. <https://www.google.com/maps/@41.9762948,-88.7152852,3a,42.1y,113.22h,77.3t/data=!3m6!1e1!3m4!1szYfNOEmS-fjY2FrOumXspQ!2e0!7i13312!8i6656>

David Hansen
Administration Department
Village of North Aurora, IL
630-897-8228, ext. 262



From: Denise Setchell [<mailto:dsetchell@cityofsycamore.com>]
Sent: Thursday, August 11, 2016 1:53 PM
To: David R. Hansen <DHansen@northaurora.org>
Cc: John Sauter <jsauter@cityofsycamore.com>
Subject: RE: Mobile Food Truck Vendors

Hi David,

I think you may be talking about our popcorn stand on the corner of State and Maple. That is the only permit kiosk we have here in the City.

I checked with our City Clerk who handles all of the City's business licensing/permitting, and she informed me that the popcorn stand has been there for forever, and is grand-fathered in. The City has not addressed, at this time, for them to obtain a Peddler's permit/license.

Hope that helps.

Best regards.

Denise E. Setchell
Assistant to the Building & Engineering Department
T: 815-895-4434
F: 815-895-7572

Sycamore Sycamore Sycamore



From: David R. Hansen [<mailto:DHansen@northaurora.org>]
Sent: Thursday, August 11, 2016 11:47 AM
To: Denise Setchell <dsetchell@cityofsycamore.com>
Subject: RE: Mobile Food Truck Vendors

Hello Denise,

I reviewed the code and have a question. After discussing this with our Community Development Director he mentioned that there is a stationery trailer in your community that sells food from it. Where and what would a stationery trailer fall under in your code and what is your communities approach on that subject? Would be similar to a peddler?

space contained within, which are not permanent structures and which are not vehicles (e.g. portable self-storage boxes/containers or PODS®). Storage sheds constructed of wood, plastic or steel and which are: 1) located on a permanent or temporary foundation; 2) located and permitted (if applicable) in compliance with all Village requirements; and, 3) not intended to be moved or relocated on a regular basis are excluded from the definition of Portable Outdoor Storage Units. Further, construction trailers or temporary storage units utilized by contractors or developers incidental to the ongoing construction of structures, public improvements and utilities or other aspects of property development are excluded from the definition of Portable Outdoor Storage Units.

9. The Director of Community Development may impose such additional conditions on a temporary use permit as is necessary to meet the purposes of this chapter and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:

- a. Additional yard setback and open space requirements.
- b. Additional cash deposit requirements.
- c. Parking.
- d. Fences, walls or other screening.
- e. Signs.
- f. Vehicular and pedestrian ingress and egress.
- g. Property maintenance during the course of the activity.
- h. Control of illumination, noise, odor, vibration or other nuisances.
- i. Hours of operations.
- j. Other conditions

10. A fee for a temporary permit shall be charged. The fee shall be set by separate resolution of the Village and may be amended from time to time. Provided, however, those fees shall be waived for not-for-profit entities with an Internal Revenue Code 501(c) designation, and units of local government. The schedule shall be available at the office of the Director of Community Development.

B. Stationary & Mobile Vending

Stationary Food Vendor shall be regulated as follows:

Definition of a Stationary Food Vendor: Any person, company, or entity that is in possession of a vehicle (including, but not limited to, motorized vehicles, non-motorized vehicles, carts, bicycles, trailers and other similar devices whether self propelled, propelled by other vehicles or propelled by humans/animals) that contains facilities for food storage and preparation and uses said vehicle to offer for sale food and beverage items to third parties in the Village of Montgomery subject to the time limitations in the following sentence. Any such vehicle is a stationary food vendor when located at the same point for a time period in excess of one hour for the purpose of offering and selling food and beverage items to third parties at the vendor's location.

I. Permit Requirements

- a. The number of available Stationary Food Vendor Permits shall be set by separate resolution of the Village Board. If no resolution is passed (or is later repealed), the number of Stationary Food Vendor Permits shall be zero.
 - b. All Stationary Food Vendors shall obtain a Stationary Food Vendor Permit for each specified location where sales are to take place. A Stationary Food Vendor Permit shall only be granted by Village staff if a permit is available. If no permit is available, a vendor may petition the Village Board, through a process of submitting a letter of intent and coming before the Village Board for consideration of a legislative change to the resolution that sets the number of permits. The permit shall be good for one year for the date of issuance. Renewals shall be permitted on a yearly basis and shall be processed by staff. In the event of a vendor desiring a second location, that vendor shall make a second permit request to the Village Board (following the same procedure). No vendor shall be allowed more than two permits at any given time.
 - c. A permit fee of \$100 shall be collected prior to issuance of the permit and in each subsequent annual permit the fee shall be \$100.00.
 - d. No Stationary Food Vendor Permit will be issued without written authorization from the owner or person in control of the premises stating that the Stationary Food Vendor has permission to occupy the premises where the Stationary Food Vendor is located to sell or serve food. Written permission to occupy the premises shall be resubmitted annually.
 - e. No Stationary Food Vendor Permit will be issued to a Food Vendor without a Health Department Permit issued by the appropriate county.
 - f. A Stationary Food Vendor Permit shall be denied if the vendor fails to provide a valid vehicle registration, driver's license and proof of vehicle liability insurance.
 - g. The operator shall take the proper action to ensure that all sales tax generated by the Stationary Food Vendor in the Village, returns to the Village in accordance with all state laws and requirements.
 - h. A site plan shall be submitted depicting the location of the Stationary Food Vendor on the property. The Stationary Food Vendor shall not take up driveways, access lanes, fire lanes, or required parking spaces.
 - i. A Stationary Food Vendor Permit is not transferable.
 - j. The permit form must be placed in the front window (or other forward portion of said vehicle if no window exists) of the vehicle during operating hours.
 - k. A Stationary Food Vendor permit is not required at Village sanctioned events, unless that event requires its own permit.
2. Hours of Operation
 - a. No Stationary Food Vendor shall operate between the hours of 11:00 p.m. and 6:00 a.m.
 3. Operational Requirements
 - a. Stationary Food Vendors shall only operate in the non-residential zoning districts, and in Public Parks, which are located in a variety of different zoning districts, provided that the vendor has permission from the corresponding property owner.
 - b. No Stationary Food Vendor shall operate within fifty (50) feet of a single-family or multi-family residential parcel. In this context, single-family and multi-family uses shall not include a residence that is part of a business or mixed-use structure.
 - c. All Stationary Food Vendors must park on a concrete or asphalt surface.
 - d. No Stationary Food Vendor shall be allowed to sell or serve food on any public streets, sidewalks, or other public right-of-way, or in anyway obstruct traffic.
 - e. All Stationary Food Vendors shall provide a trash receptacle with a self-closing lid near the front of the vending counter for use by patrons. The area around the vending unit shall be kept clean and free from litter, garbage, and debris.

- f. All Stationary Food Vendors shall remove the vehicle and all of the equipment daily from the property.
- g. A Stationary Food Vendor may utilize outside seating consisting of a portable table with a maximum seating capacity of four.
- h. No more than one Stationary Food Vendor per individual parcel of land shall be allowed.
- i. Signage shall be contained to the surface of the vehicle and shall abide by the sign ordinance's requirements for prohibited signs.
- j. Vendors seeking to offer sales as described herein from any other temporary structure (other than a vehicle described herein) are prohibited.
- k. Sales other than food and beverage items are prohibited.

Mobile Food Vendor shall be regulated as follows:

Definition of a Mobile Vendor: A person, company, or entity that operates primarily in the public right-of-way or on public parks, either with a motorized vehicle that travels through the Village seeking sales of only food and beverage items, or by a wheeled cart that utilizes human propulsion for the purpose of selling only food and beverage items.

1. Permit Requirements

- a. No Mobile Food Vendor Permit will be issued to a Food Vendor without a Health Department Permit issued by the appropriate county.
- b. No person shall operate as a Mobile Vendor in Montgomery without a permit required by this ordinance. A separate permit is required for each Mobile Vendor.
- c. A Mobile Vendor Permit is valid for one (1) year and shall be renewed May first of each year. A permit fee of \$225 (\$125 of that fee is for the background check, which is due at the time that the application is submitted) shall be collected for the permit. Each subsequent yearly update shall have a permit fee of \$50.
- d. A Mobile Vendor Permit shall be denied if the vendor fails to provide a valid vehicle registration, driver's license and proof of vehicle liability insurance. The Village should be added to the vendor's insurance as an entity that is additionally insured for the amount of \$1,000,000.00.
- e. All persons offering sales under the permit shall submit to a background check conducted by the Village and shall submit to fingerprinting for the same (and shall provide all necessary data requested by the Village staff to conduct said check). The Vendor shall pay an additional fee, per person, for a Livescan fingerprint submittals; said fee amount shall be the same as the fee set by the Illinois State Police.
- f. All persons offering sales under the permit shall not have been convicted of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five (5) years of the date of the application; nor have been convicted of a crime involving dishonesty, fraud, deception or similar offense. If a person seeking a permit is denied, due to a violation of these provisions, there shall be no refund of the permit fee.

2. General Regulations

- a. Each Mobile Vendor shall supply a trash receptacle for use by the customers. Prior to leaving each stop, the vendor shall remove any litter left at the stop by consumers. Sales other than food and beverage items are prohibited.

3. Regulations Applicable to Motorized Vendor

- a. No Motorized Vendor shall stop at any time for the purpose of making sales in any area where parking is prohibited.
- b. No Motorized Vendor shall stop for the purpose of making a sale for more than one hour in a single location.

- c. While making a sale, the vehicle must be maneuvered as close to the curb as possible and the driver must engage four-way flashing "hazard" lights for the duration of the stop. In no event shall a Motorized Vendor stopped for the purpose of making a sale prevent the passage of other vehicles on the right-of-way.
 - d. Motorized Vendors may stop for the purpose of making sales only between the hours of 6:30 a.m. and 8:00 p.m.
 - e. Signage shall be contained to the surface of the vehicle and shall abide by the sign ordinance's requirements for prohibited signs.
4. Regulations Applicable to Push Cart Vendors
- a. Push Cart Vendors may stop for the purpose of making sales only between the hours of 10:00 a.m. and 9:00 p.m.
 - b. Written permission from the property owner to operate on private property, if applicable is required.
 - c. Signage shall be contained to all surfaces of the cart and shall abide by the sign ordinance's requirements for prohibited signs.
 - d. A Mobile Food Vendor permit is not required at Village sanctioned events, unless that event requires its own permit.

4.16 REFUSE CONTAINERS; OUTDOOR STORAGE

- 1. *Screening.* All refuse containers or articles of trash/garbage and all areas of permitted outdoor storage shall be enclosed by a screening fence, wall or densely planted evergreen hedge of a height sufficient to screen such containers or storage areas from view from adjoining residentially zoned properties and public or private streets.
- 2. *Location.* No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line, except as specifically approved of by the Village Board during site plan review or other development approval process after consideration by the Plan Commission.
- 3. *Exemptions.* None of the requirements of this Subsection shall apply to receptacles placed and maintained for use by the general public to avoid littering or to receptacles temporarily placed on construction sites for the purpose of collecting construction debris.
- 4. *Exempt Items.* Outdoor storage shall include the storage of all items of personal property which are not permanently affixed to the land or to a structure, except that the following items are exempt: garden hoses, portable storage sheds, furniture designed for outdoor use, children's playhouses and toys, trampolines, inflatable or otherwise portable above-ground swimming pools, wind vanes and bird feeders, grills, animal houses, portable basketball nets, outdoor fireplaces, firewood (being defined as non-processed wood without nails or other foreign materials; wood from construction and pallets are not exempt), trellis's and related garden structures.

Section 5.00 – NON-CONFORMING BUILDINGS AND USES

5.01 STATEMENT OF PURPOSE

This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those

David R. Hansen

From: Renee Hanlon <rhanlon@sugargroveil.gov>
Sent: Wednesday, August 10, 2016 12:12 PM
To: David R. Hansen
Subject: RE: Mobile Food Truck Vendors

Hello, David:

We have very recently amended the village code to provide for better regulation of "special events". The zoning ordinance was amended to add the following temporary use:
"OUTDOOR FOOD VENDORS. Outdoor food vendors, including food trucks, on private property may be allowed up to daily for nine (9) months per calendar year, per applicant. No outdoor food vendor may occur without first obtaining a Special Event Permit in accordance with the Village Code Title 4 Chapter 7."

Title 4 Chapter 7 was added to establish a procedure for reviewing and granting special events. You can go to our website, click "government", click "village code", click "ordinances pending codification", click "20160705D" for these regulations.

We have not yet had the opportunity to process a special event or a food truck through our new process.

Hope this helps. Let me know if you want more information,



Renee Hanlon | Planner/Zoning Administrator

Community Development Department | Village of Sugar Grove

601 Heartland Drive, Sugar Grove, IL 60554-9454

T: [630.466.8954](tel:630.466.8954) ext. 36 | F: [630.466.1083](tel:630.466.1083) | E: rhanlon@sugargroveil.gov

[Help Your Elected Officials Protect Sugar Grove](#)

From: David R. Hansen [<mailto:DHansen@northaurora.org>]
Sent: Wednesday, August 10, 2016 8:17 AM
To: Renee Hanlon <rhanlon@sugargroveil.gov>
Subject: Mobile Food Truck Vendors

Good Morning Renee,

How does your respective community regulate mobile food trucks (i.e. roach coaches)? Does it have any Licensing Provisions or Zoning Provisions? Is there anything in your code on mobile food trucks? What is your communities approach or response to trailers that are retrofit into food trucks?

We have general provisions we could apply to these, but they are not the strongest. I know when these vendors start rolling into town the existing brick and mortar business usually aren't happy. Any information would be appreciated!

David R. Hansen

From: Sieben, Ed <ESieben@aurora-il.org>
Sent: Wednesday, August 10, 2016 2:23 PM
To: Vacek, Tracey; David R. Hansen
Cc: Koch, Charles
Subject: RE: Mobile Food Truck Vendors

https://www.municode.com/library/il/aurora/codes/code_of_ordinances?nodeId=COOR_CH32PESO

David, this would be included in Chapter 32 Peddlers and Solicitors of the muni code. Revenue and Collections (Finance) licenses them. They have to move or can set up for a Special Event or at a place of business for a lunch hour type of thing. They cannot set up permanently or semi permanently. We try to support our brick and mortar restaurants.

Edward T. Sieben
Zoning Administrator
Planning & Zoning Division
City of Aurora
1 S. Broadway
(630)256-3080:P
(630)256-3089:F
esieben@aurora-il.org

From: Vacek, Tracey
Sent: Wednesday, August 10, 2016 8:16 AM
To: Sieben, Ed
Subject: FW: Mobile Food Truck Vendors

Ed, can you respond to this?

Please let me know if you have any questions.

Tracey M. Vacek, Planner
City of Aurora Planning and Zoning Division
1 South Broadway
p: (630) 256-3080
f: (630) 256-3089
tvacek@aurora-il.org

From: David R. Hansen [<mailto:DHansen@northaurora.org>]
Sent: Wednesday, August 10, 2016 8:14 AM
To: Vacek, Tracey <TVacek@aurora-il.org>
Subject: Mobile Food Truck Vendors

Good Morning Tracey,

How does your respective community regulate mobile food trucks (i.e. roach coaches)? Does it have any Licensing Provisions or Zoning Provisions? Is there anything in your code on mobile food trucks? What is your communities approach or response to trailers that are retrofit into food trucks?

APPENDIX A - ZONING

CODE COMPARATIVE TABLE - 1969 CODE

CODE COMPARATIVE TABLE - ORDINANCES modified

STATE LAW REFERENCE TABLE

ILCS REFERENCE TABLE modified

< Sec. 30-99. - Criminal damage to golf course, buildings, other facilities.

Chapter 33 - HUMAN RESOURCES >

Chapter 32 - PEDDLERS AND SOLICITORS^[1] :

ARTICLE I. - IN GENERAL :

Sec. 32-1. - Purpose. :

It is the purpose of this chapter to protect the health, safety and welfare of the citizens of the city, to protect against fraudulent solicitation, to protect and promote the quiet enjoyment of property for the residents of the city, and to protect the First Amendment rights of solicitors, distributors, canvassers and peddlers operating within the city.

It is further declared to be the policy of the corporate authorities of the city, that the occupant or occupants of any premises in the city shall have the right to determine whether any solicitor, distributor, canvasser or peddler shall be, or shall not be, invited onto their respective premises, and those persons who violate the provisions of this chapter constitute a public and private nuisance, and a detriment to the health, safety and welfare of the residents of the city.

(Ord. No. 006-03, § 1(32-1), 1-24-06)

Sec. 32-2. - Definitions. :

The following words, terms, phrases and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section:

- (1) *Charitable solicitations campaign* means any course of conduct whereby any person, or any agent, member or representative thereof shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement,

subscription or any thing of value on the plea or representation that such sale or solicitation or that proceeds therefrom are for a charitable, educational, patriotic, religious or philanthropic purpose.

- (2) *Commercial handbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, video or audio material, or any other printed or otherwise reproduced original or copies of any matter or literature:
- a. Which advertises for sale any merchandise, product, commodity or thing; or
 - b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
 - c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state, or under this Code or any other ordinance of the city; or
 - d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor; or
 - e. Which is not covered by the definition of sign as defined in this Code.
- (3) *Newspaper* means any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.
- (4) *Noncommercial handbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, video or audio materials, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a sign or a commercial handbill or a newspaper.
- (5) *Peddler* or *solicitor* means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, or, while present at any location in the city and carrying or transporting goods, wares, merchandise, written materials or personal property of any nature, and offering the same for sale, or for the purpose of taking or

- attempting to solicit orders for the sale of goods, merchandise, wares, written materials or other personal property of any nature for future delivery, or for services to be performed in the future.
- (6) *Peddling* or *soliciting* includes all activities ordinarily performed by a peddler or solicitor as indicated in this chapter.
- (7) *Person* means a natural person or any firm, corporation, association, club, society or other organization.
- (8) *Private premises* means any dwelling, house, building or other structure designed or used either wholly or in part for private purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(Ord. No. O06-03, § 1(32-2), 1-24-06; Ord. No. O12-018, § 2, 3-13-12)

Sec. 32-3. - Registration required; exemptions. ⋮

- (a) Every person wishing to engage in peddling or solicitation must submit an application to the city clerk or the city clerk's designee and receive approval before engaging in such peddling or solicitation activities. Such application shall include:
 - (1) The applicant's name.
 - (2) The applicant's home address, phone number and email address.
 - (3) Two passport-sized photos of the applicant taken within the last ninety (90) days.
 - (4) Physical description of applicant.
 - (5) Contact person's name.
 - (6) Contact person's phone number.
 - (7) Business address.
 - (8) Description of the items to be peddled.
 - (9) The location and time frame within which this activity will occur.
 - (10) Vehicle license number, make, model year and color (if applicable).
 - (11) A non-refundable payment of fifty (\$50.00) dollars per peddler/solicitor.
 - (12) Every applicant must provide written proof to the city clerk or designee at time of application that all certifications, permits, licenses and any other required authorization needed to perform peddling or solicitation activities has been received in advance.
 - (13) If applicant is a third-party representative, a copy of a current, valid signed contract must be attached to application.
- (b) Every person wishing to engage in a charitable solicitations campaign must make application for a permit with the government operations committee of the city council no less than thirty (30) days prior to initiation of the campaign. Upon achievement of a permit, all persons engaging in such

charitable solicitation shall have a copy of the permit on their person at all times during any such solicitation. The application shall state the person's name, a contact person's name, phone number, address, the date(s) the campaign will operate, state the purpose of the charitable solicitations campaign and/or the purpose for which the funds are to be raised, and stating the exact locations of said campaign within the city. Such charitable solicitation shall be confined to house-to-house canvassing and/or solicitation in the public ways or places of the city, and shall not be conducted upon the highways, streets, alleys and vehicular thoroughfares of the city unless proof of the following criteria are provided to the committee's satisfaction:

- (1) The soliciting agency is registered with the attorney general as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefore."
 - (2) The soliciting agency is engaged in a state- or nationwide fund raising campaign.
 - (3) The soliciting agency will provide reflective safety vests for solicitors to wear at all times while soliciting in the public ways and further agrees to be liable for and hold the city harmless from any injuries to person or property during any permitted solicitation, and agrees to name the city as a primary, non-contributory additional insured under a policy of general liability insurance covering any and all solicitation activities and participants soliciting in the public right-of-way. A certificate of insurance shall be submitted to the city at the time of application as indicated in subsection (b) herein. Said liability insurance shall have minimum coverage limits of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) general aggregate.
- (c) Every registrant pursuant to this chapter shall, as part of said registration document, stipulate that no individual employees, independent contractors, employees of independent contractors, volunteers or any other such person associated with the registrant is a convicted "Sex offender" as defined by the State of Illinois Statute 730 ILCS 150/2 and as may similarly be applicable to any by other law enforcement jurisdictions throughout the United States. Every registrant shall include the names, addresses and dates of birth for every person who will be working with them in the city for the registered purpose, and shall provide an affidavit certifying that such persons, including the registrant, have not been convicted of any felony, nor convicted on two (2) or more occasions of driving under the influence of alcohol or drugs. Such certification as required in this subsection (c) shall be updated whenever any change in persons occurs for the registrant at any time during the registered year.
- (d) Each corporation, partnership, limited liability company or any other organization applying for a permit under this chapter shall be limited to registering a maximum of ten (10) individual persons to engage in door to door peddling or soliciting within the city on its behalf.
- (e) For purposes of this section only, organizations engaged in door-to-door distribution of political campaign literature or religious materials are not subject to the registration requirements set forth in this section, provided that such organizations are not soliciting contributions, in any way, while

distributing such materials. "Political campaign literature" as used in this section means a communication supporting or opposing a candidate or election to a federal, state or local public office which is published in a handbill, flier, newspaper, magazine, pamphlet, circular, bumper sticker, or other similar written form of communication. Notwithstanding the above, such organizations are subject to all requirements set forth in article II of this chapter.

(Ord. No. O06-03, § 1(32-3), 1-24-06; Ord. No. O07-62, § 1(32-3), 5-22-07; Ord. No. O07-97, § 1, 8-28-07; Ord. No. O08-117, § 1, 12-9-08; Ord. No. O12-018, § 2, 3-13-12; Ord. No. O15-028, Att., 6-23-15)

Editor's note— Ord. No. O15-028, Att., adopted June 23, 2015, changed the title of § 32-3 from "Registration required" to read as set out herein.

Sec. 32-4. - Fees.

At the time the application is filed with the city clerk or the city clerk's designee, the applicant shall pay a fee to cover the cost to the city of processing the application. Permit fees shall be as follows:

- (1) Non-refundable fifty dollar (\$50.00) for each solicitor or peddler application.
- (2) Ten dollar (\$10.00) badge replacement fee per solicitor or peddler.

(Ord. No. O15-028, Att., 6-23-15)

Sec. 32-5. - Processing of permits.

- (a) Upon receipt of a completed application the city clerk or city clerk's designee will issue permits to qualified applicants within five (5) to seven (7) business days.
- (b) Any approved permits once issued, if not picked up within five (5) business days, becomes null and void.

(Ord. No. O15-028, Att., 6-23-15)

Sec. 32-6. - General regulations.

- (a) When the owner, occupant or person legally in charge of the premises has displayed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Solicitors," "No advertisement" or any similar notice or words of similar import indicating that the occupants of such premises do not desire to have their right of privacy disturbed, then entering upon any such private premises by any person for any such purpose is unlawful, and shall constitute a trespass on private property. This shall specifically include the delivery of unsolicited newspapers, advertising materials and charitable solicitation.
- (b) Fraud or misrepresentation. It shall be unlawful for any peddler, solicitor, or person engaging in a charitable solicitation campaign to cheat, deceive, or fraudulently misrepresent, whether through himself or any employee, while engaging in peddling and/or solicitation. No person engaged in any form of solicitation or peddling shall employ any ruse, plan or scheme, or make any assertion,

representation or statement of fact which misrepresents the purpose of the sale or solicitation. It shall be unlawful for any person engaged in solicitation to represent that the goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or qualities that they do not have or that a person has sponsorship, approval, status, qualification, affiliation or connection with an individual, organization, firm or corporation that he or she does not have. It shall be unlawful for a person engaged in peddling and/or solicitation to represent that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand.

- (c) Public health and safety. No person shall engage in solicitation within the city in such a manner that creates a danger or threat of any kind to the public health, safety and welfare.
- (d) No person engaged in solicitation or peddling shall use abusive, vulgar, obscene or offensive language while engaged in solicitation within the city.
- (e) No person engaged in solicitation or peddling shall threaten to use force, use force or otherwise coerce a person being solicited within the city.
- (f) Change of information. During the application process for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the city in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

(Ord. No. O15-028, Att., 6-23-15)

Secs. 32-7—32-10. - Reserved.

ARTICLE II. - UNSOLICITED MATERIAL

Sec. 32-11. - Posting prohibited in public places.

No person shall post, stick, stamp, paint or otherwise fix or cause the same to be done by any person, any notice, placard, bill, card, poster, commercial or non-commercial handbill or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way or public place, or any lamppost, electric light, sign, telegraph or telephone pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, the state and this code or any other ordinances of the city.

(Ord. No. O06-03, § 1(32-4), 1-24-06; Ord. No. O07-62, § 1(32-4), 5-22-07)

Sec. 32-12. - Manner of distribution in or upon vehicles.

No person shall distribute, deposit place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle in a manner in which it is likely to be carried or deposited by the elements upon any adjoining premises, street or sidewalk or other private place, or upon private property. The provisions of this section shall not prohibit the handing, transmitting or distributing of any such handbill to the owner of a vehicle who is willing to accept the same. Provided, however, that the owner of private property may place any commercial or noncommercial handbill upon any vehicle located upon the owner's property if such handbill advances said owner's product or service conducted upon such property.

(Ord. No. 006-03, § 1(32-5), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sec. 32-13. - Depositing on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any private premises which are temporarily or continuously uninhabited or vacant in any of the following circumstances:

- (1) Where it is apparent that such property is unoccupied;
- (2) Where it is apparent that a previous day's distribution of handbills has not been removed;
- (3) Where the owner has not given his permission to do so.

(Ord. No. 006-03, § 1(32-6), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sec. 32-14. - Distribution on posted premises.

No person shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill or newspaper upon any premises if requested by anyone thereon not to do so, or if there is placed on such premises, in a conspicuous position near the entrance thereof, a sign bearing the words, "No Trespassing," "No Peddlers or Solicitors," "No Advertisement," "No Unsolicited Newspapers" or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed, or to have any such items left upon such premises.

(Ord. No. 006-03, § 1(32-7), 1-24-06; Ord. No. 012-018, § 2, 3-13-12)

Sec. 32-15. - Manner of distribution on private premises.

No person shall distribute, deposit, place, throw, scatter or cast any non-subscribed newspaper, commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill or newspaper directly to the owner, occupant or any other person then present in or upon such private premises; provided that in the case of inhabited private premises which are not posted as provided in this chapter, such registered or other person, unless requested by anyone upon such premises not [to] do so, may place or deposit any such handbill or

newspaper in or upon such inhabited private premises, if such handbill or newspaper is so placed or deposited as to secure or prevent it from being blown or drifted about such premises or elsewhere, except that mailboxes may not be used when prohibited by federal postal laws or regulations. For subscribed or otherwise agreed upon distribution of written materials, the manner of placement of such subscribed written materials shall be as agreed between the parties to said agreement.

(Ord. No. O06-03, § 1(32-8), 1-24-06; Ord. No. O12-018, § 2, 3-13-12)

Secs. 32-16—32-25. - Reserved.

⋮

ARTICLE III. - PEDDLING AND SOLICITATION

⋮

DIVISION 1. - PEDDLING FOR PROFIT^[2]

⋮

Sec. 32-26. - Permitted locations for peddlers and solicitors.

⋮

- (a) Peddlers and solicitors may operate on any street within the city except on streets that are located within public parks, may only operate from motorized vehicles on such streets, but may not operate within six hundred (600) feet of a church, school or day care center.
- (b) Peddlers and solicitors may operate on private business premises within the city with the written permission of the owner thereof, provided however, that the sale of items unrelated to the business already in operation on the premises, as well as the use of vacant premises, are hereby prohibited.

(Ord. No. O15-028, Att., 6-23-15)

Sec. 32-27. - Duration of permit; hours of operation.

⋮

- (a) Every permit issued for door to door solicitation under the provisions of this chapter shall be valid for ninety (90) days with the option to renew for an additional ninety (90) days for a maximum of six (6) months in a calendar year, except as otherwise provided in subsection (b) of this section.
- (b) Registered peddlers and solicitors who have received permits shall be allowed to engage in such activities in residential areas of the city only between the hours of 9:00 a.m. and 7:00 p.m. during the months of April, May, June, July, August and September, and only between the hours of 9:00 a.m. and 6:00 p.m. during the remaining months of the year. Delivery of subscribed newspapers is specifically excluded from this provision.

(Ord. No. O15-028, Att., 6-23-15)

Sec. 32-28. - Identification, permit exhibition and transferability.

⋮

All door-to-door peddlers and solicitors shall have their city photo-identification on their person at all times when peddling/soliciting and business identification posted, in a lettering size that is easily readable, on their vehicle, cart or other display mechanism, or on their person if no display mechanism is utilized, stating the business name, address, phone number and an identification number of the vehicle if applicable. The permit issued must be exhibited upon request. No permit issued hereunder shall be worn or used at any time by any person other than the person to whom it was issued.

(Ord. No. O15-028, Att., 6-23-15)

Sec. 32-29. - Refusing to leave.

Any peddler or solicitor who enters upon premises, whether posted or not, and refuses to leave such premises after having been notified by the owner or occupant of such premises, shall be deemed in violation of this section and subject to fines, penalties and/or ban from future peddling and soliciting pursuant to section 32-51 of this chapter.

(Ord. No. O15-028, Att., 6-23-15)

Sec. 32-30. - Exceptions.

Exceptions to this article shall be allowed only for the benefit of public property or any city-sponsored event and in such manner as permitted by the city chief financial officer/treasurer or his designee from time to time.

(Ord. No. O15-028, Att., 6-23-15)

Secs. 32-31—32-34. - Reserved.

DIVISION 2. - CHARITABLE SOLICITATIONS CAMPAIGN

Sec. 32-35. - Permit required, exemption.

It shall be unlawful to conduct any charitable solicitations campaign in any public place or by house to house canvass in the city unless the person conducting same and responsible therefore shall first have obtained a permit in compliance with the terms of this chapter; provided, however, that the provisions hereof shall not apply to any solicitor that has an income tax exemption from the Internal Revenue Service for charitable, religious or educational purposes, when it solicits from its own members or from its own assemblies not using public places for such purposes.

(Ord. No. O06-03, § 1(32-14), 1-24-06)

Sec. 32-36. - General provisions.

No person shall conduct or share in the proceeds of any charitable solicitations campaign unless he shall conform to the following requirements:

- (1) He shall, and shall for not less than thirty (30) days prior to his application hereunder, have been actually engaged during such period in charitable, religious, political or educational activity commensurate with the stated purpose of the current charitable solicitations campaign.
- (2) A permit received pursuant to this chapter shall be personal to the person so registered, and shall not be assigned or transferred. The recipient of a permit hereunder shall be responsible for the acts of his authorized representatives in connection with such campaign.
- (3) All persons engaged in a charitable solicitations campaign shall have the permit received pursuant to this article on their person at all times while soliciting.
- (4) All forms and permits issued under this division shall be public records.

(Ord. No. 006-03, § 1(32-15), 1-24-06)

Sec. 32-37. - Refusing to leave.

Any charitable solicitor who enters upon premises whether posted or not, and refuses to leave such premises after having been notified by the owner or occupant of such premises, shall be deemed in violation of this section and subject to fines, penalties and/or ban from future soliciting pursuant to section 32-51 of this chapter.

(Ord. No. 015-028, Att., 6-23-15)

Sec. 32-38. - Duration of permit; hours of operation.

- (a) Every permit issued for charitable soliciting hereunder shall be valid for ninety (90) days with the option to renew for an additional ninety (90) days for a maximum of six (6) months in a calendar year, except as otherwise provided in subsection b of this section.
- (b) Registered charitable solicitors who have received permits shall be allowed to engage in such activities in residential areas of the city only between the hours of 9:00 a.m. and 7:00 p.m. during the months of April, May, June, July, August and September, and only between the hours of [9:00] a.m. and 6:00 p.m. during the remaining months of the year.

(Ord. No. 015-028, Att., 6-23-15)

Sec. 32-39. - Identification, permit exhibition and transferability.

All door-to-door charitable solicitors shall have their city photo-identification on their person at all times while soliciting, and the charitable organization identification posted, in a lettering size that is easily readable, on their vehicle, cart or other display mechanism, or on their person if no display mechanism is utilized, stating the charitable organization's name, address, phone number and an

identification number of the vehicle if applicable. The permit issued must be exhibited upon request. No permit issued hereunder shall be worn or used at any time by any person other than the person to whom it was issued.

(Ord. No. O15-028, Att., 6-23-15)

Secs. 32-40—32-50. - Reserved.

ARTICLE IV. - PENALTIES

Sec. 32-51. - Ticket and hearing fines.

(a) Upon violation of any of the provisions of this chapter, a ticket may be written charging the violation and reciting the following penalties, and the offender may request a hearing be held before the administrative hearing officer for the city, who shall apply the following penalties:

- (1) A first offense shall be punishable by a fine not to exceed one hundred fifty dollars (\$150.00).
- (2) A second offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
- (3) A third offense shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).
- (4) In addition to the monetary penalties above listed, upon a second or subsequent violation, the violator may be banned from peddling and soliciting, or otherwise doing business in the city for up to one (1) year.
- (5) In addition to the monetary penalties above listed, and upon violation of sections 32-5 or 32-7, the violator may be prosecuted for violation of various trespass offenses under applicable law.

(b) Any business, mercantile or commercial establishment whose written materials regardless of content are in violation of this chapter shall be prima facie responsible for such violation and subject to the penalties expressed above.

(c) Any person so charged may not conduct business in the city until the administrative hearing process is concluded.

(Ord. No. O06-03, § 1(32-16), 1-24-06; Ord. No. O07-62, § 1(32-16), 5-22-07; Ord. No. O12-018, § 2, 3-13-12)

Sec. 32-52. - Revocation of permit.

(a) Any permit issued may be revoked if the permittee or person engaged in solicitation on the permittee's behalf is convicted of a violation of any of the sections in this chapter, or has refused to leave any premises when asked to do so, has made a false statement in the application, or becomes disqualified for the issuance of a solicitation permit under any provision of this chapter. Immediately after the revocation, the city clerk or designee shall give the person written notice via email or by first class U.S. mail, return receipt requested, addressed to his or her residence address

set forth in the application. The permit shall become null and void immediately on the service of the notice of revocation. Receipt of a revocation notice sent by mail shall be deemed given when the recipient signs or refuses to sign the return card or otherwise fails to claim the notice within the time allowed by the U.S. Postal Office.

- (b) Any person desiring to contest a revocation of a solicitation permit shall have the right to appeal such a decision to the corporation council or designee within fourteen (14) days after receipt of the city clerk or designee's notice of revocation by giving such notice in writing and requesting a hearing.
- (c) The corporation council or designee, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within thirty (30) days.
- (d) The corporation council or designee shall give written notice of the time, date and place for hearing to the permit holder at least five (5) days in advance of the hearing date.
- (e) The corporation council or designee shall not be bound by the rules of evidence prevailing in the courts of law but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence relating to the revocation of the permit.
- (f) The appealing party may supply at his or her own cost a court reporter.
- (g) Within ten (10) days after the close of the hearing, the corporation council or designee shall render a decision in writing and make it available to the appealing party.
- (h) This action taken by corporation council shall be final.
- (i) If a hearing is waived, the appealing party shall submit what documentation he or she desires to have the corporation council consider with the written appeal, and the corporation council or designee shall render a decision within fourteen (14) days of the filing of the written appeal.

(Ord. No. 015-028, Att., 6-23-15)

< Sec. 30-99. - Criminal damage to golf course, buildings, other facilities.

Chapter 33 - HUMAN RESOURCES >

ZONING PRACTICE

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PRACTICE FOOD TRUCKS



Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



One of the hallmarks of the current food truck boom is an increased focus on “in-truck” preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business (www.socalmfva.com). And this fall, Roam—a first-ever industry conference for mobile food

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Go online during the month of September to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

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suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry (www.wsfcongress.com).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn't really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today's food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (\$30,080.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages "green carts" that offer fresh produce in certain areas of the city and has special regulations for these uses (www.nyc.gov/greencarts).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.**

Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (\$5.9.32.K).

Other cities, including Phoenix, Arizona (\$624.D.87); Chapel Hill, North Carolina (\$§10-66-74); and Fort Worth, Texas (\$5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's



- ➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

nity and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). It a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

REFERENCES

- ◆ American Heart Association. 2012. "Mobile Food Vending near Schools Policy Statement." Available at www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_446658.pdf.
- ◆ Berk, Keith, and Alan Leib. 2012. "Keeping Current: UCC—Food Truck Regulations Drive Controversy." *Business Law Today*, May. Available at <http://apps.americanbar.org/buslaw/blt/content/2012/05/keepingcurrent.pdf>.
- ◆ Edsall, Larry. 2013. "Food Trucks Inspire Mobile Bookstore," *Detroit News*, July 11. Available at www.detroitnews.com/article/20130711/AUTO03/307110040/1121/auto06/Food-trucks-inspire-mobile-bookstore.
- ◆ Frommer, Robert, and Bert Gall. 2012. *Food Truck Freedom*. Washington, D.C.: Institute for Justice. Available at www.ij.org/images/pdf_folder/economic_liberty/vending/foodtruckfreedom.pdf.
- ◆ Emergent Research. 2012. "Food Trucks Motor into the Mainstream." Intuit, December. Available at <http://network.intuit.com/wp-content/uploads/2012/12/Intuit-Food-Trucks-Report.pdf>.
- ◆ Longmont (Colorado), City of. 2011. *Mobile Food Vendors Longmont Municipal Code Amendment*. Planning & Zoning Commission Communication, June 20, 2011. Available at www.ci.longmont.co.us/planning/pz/agendas/2011/documents/final_mobilefoodvendors.pdf.
- ◆ Martinson, Gabrielle. 2013. "In its First Summer, District's Food Truck is a Success." *The Journal*, July 16. Available at www.journalmpls.com/news-feed/in-its-first-summer-districts-food-truck-is-a-success.

table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for "Food Vending Group Sites," defined as "the stationary operation of three (3) or more 'mobile food vendors' clustered together on a single private property site, public property site, or within a specific section of public right-of-way" (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

Cover image by Rodney Arroyo; design concept by Lisa Barton

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VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: 24 S. LINCOLNWAY
AGENDA: 10/17/2016 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The Village purchased the subject property in February, 2016. During the April 4, 2016 Village Board meeting, staff solicited feedback from the Village Board regarding a proposal to reuse the building and site amenities for a gas station and Dunkin Donuts. The Board was opposed to the idea of allowing another gas station to operate on the subject property and was also against the general reuse of the existing building. After the Board provided staff with the recommended direction on the use of the property, staff was approached by Dunkin Donuts who proposed the idea of redeveloping the site with a new standalone Dunkin Donuts. While receiving positive feedback from the Village Board on the use of the property, the Dunkin Donuts deal later fell through due to franchise location restrictions.

As the Dunkin Donuts use was no longer an option and the Board was opposed to the reuse of the building, staff subsequently went out to bid on the demolition of all site improvements and removal of underground storage tanks on the subject property. The vast majority of the demolition has now been completed and the demolition contractor will soon be preparing the site for final turf groundcover.

The subject property is located in the B-3 Central Business District. As the Village owns the property, the Village has further discretion on the future use of the property. Staff would like to pose the following questions to the Village Board in order to help strategize how the property will be marketed moving forward:

Are there any permitted or special uses included in the B-3 District which are undesirable for the subject property?

Are there any permitted or special uses included in other commercial districts which are desirable for the subject property?

Are there any specific uses that should be targeted for the subject property?

8.2 - Permitted and special uses.

- A. Table 8-1 Business District Permitted and Special Uses lists permitted and special uses for the business districts. A "P" indicates that a use is considered permitted within that district. An "S" indicates that a use is considered a special use in that district and must receive special use approval as required in Section 4.3 (Special Uses). A blank space, or the absence of a in from the table, indicates that use is not allowed within that district.

VILLAGE OF NORTH AURORA, ILLINOIS**TABLE 8-1: BUSINESS DISTRICT PERMITTED AND SPECIAL USES**

P = Permitted Use S = Special Use

Use	Zoning District			Specific Use Standards
	B-1	B-2	B-3	
RESIDENTIAL USES				
Assisted Living Facility		S		Section 11.2.A.1
Dormitory		S		
RELIGIOUS USES				
Place of Worship	S			Section 11.2.B.2
EDUCATIONAL USES				
Educational Facility, College/University		S		
Educational Facility, Commercial or Trade		S		
Educational Facility, Elementary and/or Secondary		S		
Educational Facility, Vocational School		S		
RECREATIONAL AND ENTERTAINMENT USES				

Amusement Park		S		
Auditorium		S	S	
Club, Lodge or Hall	S	S	S	Section 11.2.C.1
Golf Course		S		
Golf Driving Range		S		
Park	S			
Recreation, Indoor	S	S		Section 11.2.C.2
Recreation, Outdoor	S	S		Section 11.2.C.3
Stadium or Arena		S		
Theater	S	S	S	
RETAIL AND SERVICE USES				
Air Conditioning Sales and/or Service		P	P	
Animal Daycare Center		S	S	
Animal Hospital and Veterinary Clinic		S	S	
Animal Pound, Shelter and/or Kennel		S		Section 11.2.D.7
Antique Shop	P	P	P	
Arcade	P	P	P	
Art Gallery	P	P	P	
Artist Studio	P	P	P	

Auction House		P	S	
Bait Shop	S	S	S	
Bakery, Retail	P	P	P	
Banquet Hall		S	S	
Barber Shop, Beauty Shop, Salon and/or Spa	P	P	P	
Bed and Breakfast Guest Home	S		S	
Bicycle Sales and/or Service	P	P	P	
Building Material and Supply Store		S	S	
Business Machine Sales and/or Service		P	P	
Butcher Shop	S	S	S	
Car Wash		S	S	
Catering Establishment		P	P	
Clothing and Costume Rental Shop	P	P	P	
Cocktail Lounge, Bar and/or Nightclub	S	S	S	
Coffee Shop/Teahouse	P	P	P	
Contractor Office	P	P	P	
Contractor Yard		S		
Convenience Store	S	S	S	

Currency Exchange, Payday or Title Loan Agency	S	S	S	
Dance and Music Studio, Academy or Conservatory	P	P	P	
Day Care Centers, Adult or Child		S	S	Section 11.2.D.1
Drive-Through Facility		S	S	Section 11.2.D.3
Drug Stores	P	P	P	
Dry Cleaner, Retail	P	P	P	
Financial Service Establishment		P	P	Section 11.2.D.4
Fish Market	S	S	S	
Food Stores	P	P	P	
Funeral Home		S	S	
Gas Station		S	S	Section 11.2.D.5
Gun Shop		S	S	
Health and Athletic Club		S	S	
Hotel		P	S	
Ice Cream Shop	P	P	P	
Internet Cafe	P	P	P	
Laundry Establishment			S	
Laundromat	S	S	S	

Liquor Store	S	S	S	
Locksmith		P	P	
Massage Establishment		S	S	
Medical Cannabis Dispensaries	P	P	P	
Medical or Dental Laboratory		P	P	
Motel		S	S	
Motor Vehicle Rental/Leasing Agency		S	S	Section 11.2.D.8
Motor Vehicle Repair and/or Service		S	S	Section 11.2.D.9
Motor Vehicle Sales and/or Service		S		Section 11.2.D.8
Musical Instrument Sales and/or Service		P	P	
Nursery and/or Garden Store		S	S	
Off-Track Betting Establishment		P		
Office, Business, Medical, Dental and/or Professional	P	P	P	
Optician	P	P	P	
Outdoor Dining	S	P	P	Section 11.2.D.10
Outdoor Storage		S	S	
Parcel Pickup and Delivery Service		P	P	
Parking Garage, Private	S	S	S	

Parking Garage, Public	P	P	P	
Parking Lot, Private	P	S	S	
Parking Lot, Public	P	P	P	
Personal Training Establishment	P	P	P	
Photographic Studio	P	P	P	
Printing and Photocopying Service		S	S	
Recording Studio		P	P	
Restaurant	P	P	P	
Retail, Including Outdoor Component	S	S	S	
Retail, Indoor	P	P	P	
Second Hand Store or Rummage Shop	S	S	S	
Self-Service Storage Facility		S	S	
Shoe and Hat Repair Shop	P	P	P	
Sign Store	P	P	P	
Tailor and Dressmaking Shop	P	P	P	
Tattoo Parlor		P		
Tobacco Shop	S	S	S	
Warehousing and Wholesale Establishment		S		
CIVIC AND MUNICIPAL USES				

Community Center	S	S	S	
Cultural Facility or Museum		S		Section 11.2.B.1
Government Office or Facility (Non-Village)	S	S	S	
Hospital		S		
Library		S		
Village Office or Facility	P	P	P	
OTHER				
Crematorium		S		
Planned Unit Development	S	S	S	Chapter 5
Telephone Exchange, Relay, Switching and Transmitting Facilities		S		
Utility	S	S	S	
Water Treatment Facility	S	S	S	
Water Wells, Towers, Reservoirs and Storage Facilities		S		
Wireless Telecommunications Antenna	S	S	S	Section 11.2.F.2
Wireless Telecommunications Facility	S	S	S	Section 11.2.F.2
Wireless Telecommunications Tower	S	S	S	Section 11.2.F.2

TABLE 8-1: FOOTNOTES

Only wireless telecommunications antennas that comply with the stealth design standards of Section 11.2.F.2.I shall be considered permitted uses.

(Ord. No. 12-08-20-02, § 2, 8-20-12; Ord. No. 13-05-20-03, § 1, 5-20-2013; Ord. No. 13-05-20-05, § 1, 5-20-2013; Ord. No. 13-08-19-01, § 1, 8-19-2013; Ord. No. 13-08-19-02, § 1, 8-19-2013; Ord. No. 14-04-21-01, § 2, 4-21-2014; Ord. No. 14-05-19-02, § 2, 5-19-2014; Ord. No. 14-07-21-01, § 1, 7-21-2014; Ord. No. 14-08-18-02, § 2, 8-18-2014; Ord. No. 15-03-02-02, § 2, 3-2-2015; Ord. No. 15-04-06-01, § 2, 4-6-2015; Ord. No. 15-12-07-13, § 2, 12-7-2015)