



COMMITTEE OF THE WHOLE MEETING
Monday, June 15, 2020
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

- Mobile Food Vendor Amendments

EXECUTIVE SESSION

1. Property Acquisition

ADJOURN

Initials SB

VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: MOBILE FOOD VENDOR TEXT AMENDMENTS
AGENDA: JUNE 15, 2020 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

On December 5, 2016, the Village Board approved regulations allowing mobile food vendors to operate within the Village. North Aurora Municipal Code defines mobile food vendor as *a person that operates a motorized vehicle that travels through the village seeking sales of food and beverage items, or by a wheeled cart that utilizes human propulsion for the purpose of selling food and beverage items.*

Staff would like to revisit the regulations in order to fit with current trends and address any shortfalls in the language. Trailers are becoming more popular for mobile food sales and are not covered under the current definition. Further, mobile food vendors cannot stop and remain in one location for the purpose of making sales for more than two hours, unless serving as an approved vendor as part of a special event approved by the Village Board. Smaller neighborhood events, that wouldn't otherwise require a special event permit, are typically longer than two hours. Lastly, the Municipal Code relative to Village parking restrictions on certain main roads is not addressed; as such, language is proposing to restrict mobile food vendors from selling on main roads.

Attached are proposed amendments for mobile food vendors, which aim to accomplish the three following goals:

- 1) Amend the definition of mobile food vendor to include trailers.
Under the proposed language, the definition of mobile food vendor would include trailers and be amended to read, as follows: *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 for the sale of food and beverage items to third parties.*
- 2) Allow for sales on private property for four (4) hours.
As previously mentioned, no mobile food vendor shall stop and remain in one location for the purpose of making sales for more than two (2) hours, unless serving as an approved vendor as part of a special event approved by the village board. Allowing up to four (4) hours of sales for events on private property would allow for a greater amount of time in one place, without requiring a special event permit. As such, smaller neighborhood events (not located on public property), that wouldn't otherwise require a special event permit, could now have a food truck for a longer duration. Four hours allows for a greater amount of time while not remaining stationary and serving breakfast, lunch and dinner.
- 3) Restrict mobile food vendors from stopping on main roads for the purposes of making sales.
Under the proposed language, no mobile food vendor would be able to stop and remain for the purpose of making sales on Airport Road, Alder Drive, Deerpath Road, Hart Road, Ice Cream Drive, Illinois Route 25, Illinois Route 31, Illinois Route 56, Mitchell Road, Mooseheart Road, Oak Street, Orchard Gateway Boulevard, Orchard Road, Sullivan Road, Tanner Road or Randall Road.

Chapter 5.35 - MOBILE FOOD VENDORS

Sections:

5.35.010 - Definitions.

The following definitions shall apply to this chapter:

"Mobile food vendor" means ~~a person that operates a motorized vehicle that travels through the village seeking sales of food and beverage items, or by a wheeled cart that utilizes human propulsion for the purpose of selling food and beverage items.~~ 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 for the sale of food and beverage items to third parties.

"Person" means any individual, firm, co-partnership, partnership, corporation (for profit or not for profit), company, association, church, organization, trust or other entity.

(Ord. No. 16-12-05-12, § 2, 12-5-2016)

5.35.020 - Mobile food vendor permit required.

No person shall engage in the activities of a mobile food vendor and offer food and/or beverages for sale in the Village of North Aurora without a valid, current, written permit issued by the North Aurora Police Department.

(Ord. No. 16-12-05-12, § 2, 12-5-2016)

5.35.030 - General regulations.

- A. Each mobile food 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.
- B. Sales of items other than food and beverage items are prohibited.
- C. No mobile food vendor shall stop at any time for the purpose of making sales on private property without the prior consent of the property owner.
- D. Mobile food vendors shall observe all local, county and state traffic codes and parking regulations and observe all other relevant municipal ordinances.
- E. No mobile food vendor shall stop and remain in ~~one location~~ on private property for the purpose of making sales for more than ~~two (2)~~ four (4) hours, unless serving as an approved vendor as part of a special event approved by the village board.
- F. No mobile food vendor shall stop and remain on public property for the purpose of making sales for more than two (2) hours, unless serving as an approved vendor as part of a special event approved by the village board.
- G. No mobile food vendor shall stop and remain for the purpose of making sales on Airport Road, Alder Drive, Deerpath Road, Hart Road, Ice Cream Drive, Illinois Route 25, Illinois Route 31, Illinois Route 56, Mitchell Road, Mooseheart Road, Oak Street, Orchard Gateway Boulevard, Orchard Road, Sullivan Road, Tanner Road or Randall Road.
- H. Signage shall be limited to the surface of the vehicle.

- I. The mobile food vending permit shall be kept in the vehicle and be shown to all people who ask to see the permit at all times that the mobile food vendor is engaging in sales.
- J. All mobile food vendors shall meet the following minimum insurance requirements:
 - 1. General liability insurance with minimum coverage of one million dollars (\$1,000,000.00);
 - 2. Business auto insurance on any business vehicle from which the food or beverages are sold directly from the vehicle with minimum coverage of at least one million dollars (\$1,000,000.00); and
 - 3. Personal auto insurance on any personal vehicle pulling a trailer from which food or beverages are sold with minimum coverage of at least five hundred thousand dollars (\$500,000.00).

(Ord. No. 16-12-05-12, § 2, 12-5-2016)

5.35.040 - Permit requirements.

- A. Every person required to obtain a mobile food vendor permit shall make a written application for a mobile food vendor permit, pay the permit fee and obtain a permit prior to engaging in the mobile food vending business within the village.
- B. No mobile food vendor permit will be issued without a permit issued by the Kane County Department of Health.
- C. A fee of fifty dollars (\$50.00) shall be charged for every mobile food vendor permit application and renewal application to cover the cost of processing the application.
- D. Mobile food vending permits shall be good for one year from the date of issuance and must be renewed as of the anniversary date of the original date of issuance by applying for a renewal permit, paying the annual fee and obtaining a renewal permit.

(Ord. No. 16-12-05-12, § 2, 12-5-2016)

5.35.050 - Mobile food vending permit application.

Application for a mobile food vendor permit shall be accompanied by the proper documentation necessary to complete the application. The applicant shall truthfully state in full the following information requested on the application:

- A. Full name, date of birth, address and telephone phone number of the business owner as it appears on a driver's license, state ID, social security card or birth certificate, birth date, mailing address;
- B. The names, dates of birth, addresses and telephone phone numbers of the operators of any mobile food vending vehicles or wheeled carts, if different than the owners, as it appears on a driver's license, state ID, social security card or birth certificate, birth date, mailing address;
- C. All addresses of places of residence of the persons identified in subsections (A) and (B) if those persons have resided in other places during the past three years;
- D. Physical description of the owner, including sex, height, weight, hair color and eye color;
- E. A valid vehicle registration, driver's license and proof of required insurance;
- F. Whether the applicant has ever been convicted of the commission of a felony and/or any crime involving moral turpitude under the laws of this state or any other state or federal law of the United States;
- G. Such additional information and any documentation as the chief of police may deem necessary to process the application.

(Ord. No. 16-12-05-12, § 2, 12-5-2016)

5.35.060 - Penalty and enforcement.

- A. Any person violating or aiding or abetting the violation of any provision of this chapter is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Each day that a violation occurs shall be considered a separate violation. The police department and any code enforcement officers shall have concurrent authority to enforce the provisions of this chapter and may give written notice of any violation and the fine imposed for the violation by serving a citation in person or by certified U.S. mail return receipt requested on any violator. All complaints from citizens regarding violations of this chapter shall be directed to the village code enforcement officer(s).
- B. The acts of any employee, partner other agent (hereinafter "agent") shall be attributed to and considered the acts of the employer, partnership, corporation, limited liability company or other principal on whose behalf, or at whose direction or by whose authority or consent (hereinafter "principal") the agent was engaging in mobile food vending, and any violation of this chapter by an agent shall be enforceable against the principal and/or the agent jointly or severally. The act of engaging in mobile food vending for another person shall be presumed to create an agency relationship for purposes of this chapter.

(Ord. No. 16-12-05-12, § 2, 12-5-2016)