

VILLAGE OF BRADLEY

ORDINANCE NO. **O-06-23 04**

AN ORDINANCE AMENDING CHAPTER 12 (BUSINESS
REGULATION), ARTICLE X (MOBILE FOOD VENDORS AND
MOBILE FOOD VEHICLES) OF THE VILLAGE OF BRADLEY CODE
OF ORDINANCES

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 12th DAY OF June, 2023

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 12th day of June, 2023.

ORDINANCE NO. O-06-23-04

AN ORDINANCE AMENDING CHAPTER 12 (BUSINESS REGULATION), ARTICLE X (MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES) OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES

WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois (the “Corporate Authorities”), have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-60-1, the Corporate Authorities may regulate certain businesses within the corporate boundaries of the Village of Bradley by *inter alia* issuing licenses and/or permits, and fixing the amount, terms, and manner of issuing and revoking said licenses and/or permits; and

WHEREAS, the Corporate Authorities previously exercised the forgoing authority to regulate mobile food vendors and vehicles by enacting Chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles) of the Village code of ordinances; and

WHEREAS, the Corporate Authorities of the Village have determined that it is necessary, expedient, and in the best interests of the Village and its citizens to amend Section 12-365 (Definitions) of said Chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles) as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Mayor and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. Chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles), Section 12-366 is hereby amended in part to read as follows:

Sec. 12-366. – Mobile food vehicle registration

(b) *Application for Permit; Required information.* Applications for a mobile food vehicle permit under this Article shall be filed with the Bradley Police Department office of records/business registration on a form provided by the Village. The application shall require, at a minimum, the following:

(d) *Approval of Application.*

- (1) The Village shall not consider any application unless and until said application is complete in full compliance with this Section. Once the Village has received a complete application, it shall approve or deny the application within ten (10) business days.
- (2) An applicant may be denied a mobile food vehicle permit under any of the following conditions:
 - i. The applicant failed to properly complete the permit application.
 - ii. The applicant has violated any provision of this Article.
 - iii. The applicant failed to qualify for any other license, permit, or certification required by this Article.
 - iv. The applicant has had a mobile food vehicle permit revoked under this Article within the two (2) calendar years of the date of application.
 - v. The applicant has failed to tender proof of sales taxes paid to the Village of Bradley as described in Sec. 12-367 of this Article.

SECTION 3. Chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles), Section 12-367 is hereby amended in part to read as follows:

ARTICLE X. MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES

Sec. 12-367. – Use and Operation of Food Vehicles.

- (a) *Conditions of Approval and Operation.* All mobile food vehicles must be operated in compliance with the following regulations and conditions:
 - (1) Mobile food vehicles must comply with all noise regulations of the Village.
 - (2) Mobile food vehicles must provide receptacles for refuse and properly dispose of all waste.
 - (3) The food vendor's point of sale shall be noted as the Village of Bradley for all sales occurring within the Village's corporate boundaries. Proof of sales tax paid by the food vendor must be remitted to the Village of Bradley at the end of every quarter where applicable: March 31, June 30, September 30, and December 31.

SECTION 4. Chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles), Section 12-368 is hereby amended in part to read as follows:

ARTICLE X. MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES

Sec. 12-368. – Locations

- (a) A mobile food vendor may operate a permitted mobile food vehicle on private commercial property with the written consent of the owner, tenant, or lawful occupant of said property. The mobile food vendor shall maintain written consent from said owner, tenant, or other lawful occupant of the property in question with the mobile food vehicle at all times it is in operation on the property and shall further present said written consent to any Village official or peace officer upon request. A mobile food vendor is required to remove the mobile food vehicle nightly.
- (b) A mobile food vendor may not operate at the same location more than (8) days in any month for a total of not more than 72 days at any one location in a year.
- (c) A mobile food vendor operating in conjunction with a special event, shall operate a mobile food vehicle on property where the special event is permitted to operate.
- (d) Mobile food vehicles are prohibited as a principal/primary use and may not be operated on a vacant lot not associated with a sponsoring business or special event.
- (e) Mobile food Vehicles shall not park in fire lanes, handicap parking spaces, or in any other location that will impede traffic flow or create unsafe conditions for pedestrians or motor vehicle traffic.
- (f) Mobile food Vehicles may not operate in any residential zoning district.
- (g) Mobile food Vehicles must maintain a four hundred (400) foot distance from any existing restaurant in operation, unless explicitly consented to by said restaurant in writing.
- (h) Unless expressly requested and expressly authorized by the Village in writing in the mobile food vehicle permit in question, including during special events, mobile food vehicles are prohibited from operating in a parked/stationary manner in the public right-of-way or on public property, including without limitation on-street public parking spaces.

SECTION 5. Chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles), Section 12-368 is hereby amended in part to read as follows:

ARTICLE X. MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES

Sec. 12-373. – Suspension or revocation of permit.

The Village President may, after written notice and the opportunity for a hearing, suspend or revoke any mobile food vehicle permit under any of the following conditions:

- (a) The mobile food vendor has violated any provision of this article, or any ordinance, law, code, or regulation of the Village of Bradley, State of Illinois, or County of Kankakee relating to public health, safety, or fire protection; or

- (b) The mobile food vendor made a false material statement in its application.
- (c) The sponsoring business notifies the Village of Bradley in writing that the food vehicle no longer has permission to operate on its property.
- (d) The mobile food vendor has failed to tender to the Village of Bradley proof of sales taxes paid.

Secs. 12-376—12-390. – Reserved.

SECTION 6. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 7. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 8. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 12th day of June, 2023.

TRUSTEES:

RYAN LEBRAN	Aye – <u>X</u>	Nay – <u> </u>	Absent – <u> </u>
BRIAN BILLINGSLEY	Aye – <u>X</u>	Nay – <u> </u>	Absent – <u> </u>
DARREN WESTPHAL	Aye – <u>X</u>	Nay – <u> </u>	Absent – <u> </u>
BRIAN TIERI	Aye – <u>X</u>	Nay – <u> </u>	Absent – <u> </u>
GRANT VANDENHOUT	Aye – <u>X</u>	Nay – <u> </u>	Absent – <u> </u>
GENE JORDAN	Aye – <u>X</u>	Nay – <u> </u>	Absent – <u> </u>

VILLAGE PRESIDENT:

MICHAEL WATSON	Aye – <u> </u>	Nay – <u> </u>	Absent – <u> </u>
TOTALS:	Aye – <u>6</u>	Nay – <u>0</u>	Absent – <u> </u>

ATTEST:


 JULIE TAMBLING, VILLAGE CLERK (Deputy)

APPROVED this 12th day of June, 2023.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:



JULIE TAMBLING, VILLAGE CLERK (Deputy)

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

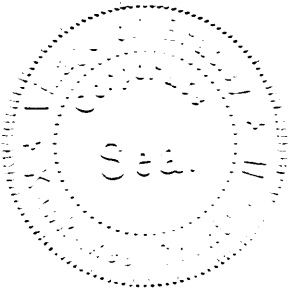
I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-06-23-04, "AN ORDINANCE AMENDING CHAPTER 12 (BUSINESS REGULATION), ARTICLE X (MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES) OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES" which was adopted by the Village Corporate Authorities at a meeting held on the 12th day of JUNE, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 12th day of JUNE, 2023.



JULIE TAMBLING, VILLAGE CLERK (Deputy)

(SEAL)



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