VILLAGE OF BRADLEY

ORDINANCE NO. O-05-22-02

AN ORDINANCE CREATING A NEW ARTICLE X (MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES) IN CHAPTER 12 (BUSINESS REGULATION) OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 9th DAY OF May, 2022

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 9th day of May, 2022.

ORDINANCE NO. 0-05-2202

AN ORDINANCE CREATING A NEW ARTICLE X (MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES) IN CHAPTER 12 (BUSINESS REGULATION) 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 have previously exercised their authority to regulate certain stationary businesses within the corporate boundaries of the Village of Bradley by *inter alia* issuing permits, and fixing the amount, terms, and manner of issuing and revoking said permits; and

WHEREAS, the current standards for stationary businesses are no longer adequate to regulate mobile food vendors and mobile food vehicles (commonly known as "food trucks"); and

WHEREAS, the Corporate Authorities desire to amend the Village Code to establish rules and regulations for mobile food vendors and mobile food vehicles; and

WHEREAS, the Corporate Authorities have determined that allowing mobile food vendors to operate mobile food vehicles in the Village's corporate limits, subject to certain rules and regulations, is in the best interests of the Village and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE, 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. A new Article X (Mobile Food Vendors and Mobile Food Vehicles), is hereby created within Chapter 12 (Business Regulation), of the Village Code to read as follows:

ARTICLE X. MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES

Sec. 12-365. – Definitions.

For the purposes of this article, the following terms shall have the meanings provided:

Mobile food vehicle means a self-contained food service operation located in a readily moveable, motorized, wheeled or towed vehicle, with facilities for storing, preparing, displaying and/or serving food or non-alcoholic beverages for retail sale intended for individual consumption, commonly referred to as a food vehicle.

Mobile food vendor means an individual, corporation, firm, partnership, association, proprietorship, not-for-profit corporation or other legal entity engaged in the business of selling food or non-alcoholic beverages from a mobile food vehicle. "Mobile food vendor" does not include ice cream vehicle operators that do not park on private property for the purpose of serving customers.

Category I facility means a food establishment, such as a mobile food vehicle, that presents a high relative risk of foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. The criteria used to classify facilities as Category I shall be in conformance with the Kankakee County Health Department, and shall include the following: (i) whenever cooling of potential hazardous foods occur as part of the food handling operations at the facility; (ii) when potential hazardous food is prepared hot or cold and held hot or cold for more than 12 hours before serving; (iii) if potentially hazardous foods which have been previously cooked and cooled must be reheated; (iv) when potentially hazardous food are prepared for off-premises service for which time/temperature requirement during transportation, holding and service are relevant; (v) whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready-to-eat foods, occurs as part of the food handling operations at the facility; (vi) if vacuum packing and/or other forms of reduced oxygen packaging are performed at the retail level; and (vii) whenever serving immunocompromised individuals, where these individuals comprise the majority of the consuming population.

Category II facility means a food establishment, such as a mobile food vehicle, that present a medium risk of causing foodborne illness based upon few food handling operations typically implicated in foodborne outbreaks. The criteria used to classify facilities as Category II shall be in conformance with the Kankakee County Health Department, and shall include the following: (i) if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service; (ii) if preparing foods for service from raw ingredients uses only mini al assembly; (iii) foods served at the establishment require complex preparation (whether canned, frozen or fresh prepared) and are obtained from approved food processing plants or Category I (high risk) food establishments.

Category III facility means a food establishment, such as a mobile food vehicle, that presents a relatively low risk of causing illness based upon few or no food handling operations typically implicated in foodborne outbreaks. The criteria used to classify facilities as Category III shall be in conformance with the Kankakee County Health Department, and shall include the following: (i) only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant; (ii) only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; and (iii) only beverages non-alcoholic are served at the facility.

Sponsoring business means an individual, corporation, firm, partnership, association, proprietorship, not-for-profit corporation or other legal entity that owns, leases, and/or occupies real property located within the corporate boundaries of the village where a mobile food vendor will operate its mobile food vehicle under this Article. A sponsoring business must hold current, valid business licenses and/or permits as required by this Chapter.

Special event means an event held on public or private property including, but not limited to, parades, festivals, block parties, athletic events, outdoor concerts, circuses, rodeos, fireworks displays, carnivals, movie or television productions, or other public meetings or events which significantly impact the village or meet some or all of the following criteria:

(1) Closure of roads, streets, or village blocks.

(2) Issuance of multiple permits or leases.

(3) Use of village-owned property.

(4) Use of village services.

(5) Use of amplified sound.

Special event permittee means an individual, corporation, firm, partnership, association, proprietorship, not-for-profit corporation or other legal entity that obtains any and all permits and/or licenses required by the village to operate a special event within the corporate boundaries of the village.

Sec. 12-366. – Mobile food vehicle registration

(a) *Permit required.* It shall be unlawful for any person to operate a mobile food vehicle within the corporate boundaries of the Village unless that person has applied for and received a permit for said vehicle in compliance with this Article.

(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:

(1) The name, business address, and phone number of the mobile food vendor; and

(2) The mobile food vendor's Illinois business tax (IBT) number, along with documentation sufficient to show that the mobile food vendor's point of sale is and shall be noted as the Village of Bradley for all sales occurring within the Village's corporate boundaries; and

(3) The make, model, and vehicle identification number of the mobile food vehicle that the mobile food vendor intends to operate; and

(4) Photograph(s) of the mobile food vehicle that the mobile food vendor intends to operate, sufficient for the identification thereof; and

(5) Proof of registration and automobile insurance for each mobile food vehicle; and

(6) A general description of the types of items to be sold from the mobile food vehicle(s); and

(7) Valid copies of all applicable permits from the Kankakee County Health Department; and

(8) Certificate(s) of insurance sufficient to show that the mobile food vendor is covered by all insurance policies required by this article.

(9) A consent, release, and authorization form, to be provided by the Village, authorizing the Village and the Kankakee County Health Department to share, on a continuing basis, any and all information relevant to the mobile food vendor's application and business, as well as any enforcement actions or other proceedings initiated by the Kankakee County Health Department in connection with or against said mobile food vendor.

(c) *Application fee.* Every initial application for a mobile food vehicle license shall be accompanied by a nonrefundable $100 application fee, which shall be paid before the Village will consider the application. No application fee shall be charged for the annual renewal of any existing mobile food vehicle permit so long as the mobile food vendor is in good standing with the Village at the time of the renewal application.

(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.

(3) If the Village finds that the application meets with all conditions of approval and operation under this Article, it shall grant the application and issue the mobile food vendor a permit for the mobile food vehicle in question.

(4) All such permits are expressly conditional upon continuous compliance with all conditions of approval and operation set forth in this Article.

(e) *Annual Fee Schedule.* In the event that the Village grants a mobile food vehicle permit pursuant to this Article, the mobile food vendor shall immediately pay an annual permit fee, depending on such mobile food vendor's category, as follows:

(1) Category I — $400.00
(2) Category II — $350.00
(3) Category III — $250.00

The annual permit fee required by this Section shall not be prorated.

(f) *Duration of Permit.* The permit shall be valid only for the date and times listed on the permit. Annual permits are issued for the calendar year from June 1st through May 31st of the next year.

(g) *Permits to be displayed.* A copy of the approved mobile food vehicle permit shall be clearly displayed on the mobile food vehicle at all times while operating within the corporate boundaries of the Village of Bradley.

(h) *Each mobile food truck to be individually permitted.* A mobile food vehicle permit issued pursuant to this Article is specific to the vehicle permitted. Each such vehicle must be separately permitted and no permit may be transferred from one mobile food vehicle to another.

Sec. 12-367. – Special Event Permits.

(a) A mobile food vendor that intends to operate any mobile food vehicles in conjunction with a special event is not required to apply for and receive an annual mobile food vehicle permit pursuant to this Article. Instead, such a mobile food vendor shall file a special event permit application with the Village, which shall include substantially the same information as an application for a mobile food vehicle permit, and which shall be accompanied by the written consent of the special event permittee in question to allow said mobile food vendor to operate its mobile food vehicle(s) in conjunction with the special event in question.

(b) No application fee shall be required for a special event permit. In the event that the special event permit is granted by the Village, the mobile food vendor shall pay a special event permit fee equal to $10.00 per mobile food vehicle per day for the duration of the requested permit, which shall not be longer than the duration of the special event itself.

(c) Upon issuance of a special event permit pursuant to this section, the permitted mobile food vendor and associated mobile food vehicle(s) shall be subject to all conditions and regulations of this Article to the same extent as any other holder of a mobile food vehicle permit. Further, the special event permittee in question is and shall be responsible to ensure full compliance with all applicable provisions of this Article, as well as all other Village and County regulations, during the special event in question.

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.

(4) Mobile food vendors must carry, at their own cost and expense, comprehensive and general liability and casualty insurance related to its operation within the Village of Bradley, including food service, restaurant operation, and vehicle operation, with minimum policy limits of one million dollars ($1,000,000.00) per occurrence. No cancellation or reduction in coverage may occur during the effective period of the mobile food vendor's permit.

(5) Mobile food vendors must maintain all required food vender operating permit(s) and other food establishment permit(s)/license(s) issued by the division of environmental health at the Kankakee County Health Department at all times. Mobile food vendors shall fully comply with all applicable Kankakee County food service and retail food store sanitation ordinances, and shall display its certifications and permits/licenses on the food vehicle in an area plainly visible to customers at all times during operation.

(6) Each mobile food vehicle must pass, at least annually, a food establishment safety inspection conducted by division of environmental health at the Kankakee County Health Department and shall provide the Village with proof of such passage.

(7) Mobile food vendors must notify the Village within three (3) business days if any mobile food vehicle fails to be certified, fails to be approved by, or fails an inspection from the division of environmental health at the Kankakee County Health Department. No mobile food vehicle may be operated within the Village at any time that it is not certified and approved by the division of environmental health at the Kankakee County Health Department.

(8) Mobile food vendors must maintain records of all inspections, permits, and certifications related to this Article, as well as records of all sales, hours of operation, and any other operational-related records, for a minimum of five (5) years. All such records shall be made available to the Village upon request, at a reasonable time and place and upon reasonable notice.

(9) All food preparation shall be conducted in strict accordance with all applicable Village ordinances, Kankakee County Health Department codes, regulations and ordinances, and fire protection district ordinances, codes, and regulations.

(10) Drive-through service shall be prohibited.

(11) Mobile food vendors must provide the Village of Bradley with all records required by this article, as requested.

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.

(b) 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.

(c) 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.

(d) 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.

(e) Mobile food Vehicles may not operate in any residential zoning district.

(f) Mobile food Vehicles must maintain a two hundred (200) foot distance from any existing restaurant in operation, unless consented to by said restaurant in writing.

(g) 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.

Sec. 12-369. – Hours of operation.

(a) The hours of operation for all mobile food vehicles in the Village shall be limited to 10:00 a.m. through 7:00 p.m., Sunday through Saturday.

(b) A mobile food vendor operating a mobile food vehicle in conjunction with a special event may operate a mobile food vehicle during all hours that the special event is permitted to operate.

Sec. 12-370. – Administration and enforcement.

It shall be the duty of the Code Department to administer and the duty of the Chief of Police to enforce the terms and provisions of this article and to make or cause to be made such regulations for mobile food vendors and mobile food vehicles to accomplish such administration or enforcement of the provisions of this article.

Sec. 12-371. – Exemptions.

(a) A mobile food vendor seeking a mobile food vehicle permit or special event permit under this Article may apply, in writing, for a fee exemption in order to avoid paying any and all applicable application and permit fees. Such an exemption may be granted by the Village President or his or her designee if the mobile food vendor can show it will be operating under contract with and solely on property owned or controlled by:

(1) The Village of Bradley or some other political subdivision of the State of Illinois; or

(2) A recognized educational institution; or

(3) An Illinois-registered not-for-profit organization.

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.

Sec. 12-374. – Penalties.

Any person that violates any of the provisions of this article shall be subject to a fine of not less than $100. Each day on which a violation exists shall constitute a separate offense.

Secs. 12-376—12-390. – *Reserved.*

SECTION 3. 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 4. 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 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. 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 9th day of May, 2022.

TRUSTEES:

RYAN LEBRAN	Aye – X	Nay – ____	Absent – ____
BRIAN BILLINGSLEY	Aye – X	Nay – ____	Absent – ____
DARREN WESTPHAL	Aye – X	Nay – ____	Absent – ____
BRIAN TIERI	Aye – X	Nay – ____	Absent – ____
GRANT VANDENHOUT	Aye – X	Nay – ____	Absent – ____
GENE JORDAN	Aye – X	Nay – ____	Absent – ____

VILLAGE PRESIDENT:

MICHAEL WATSON	Aye – ____	Nay – ____	Absent – ____
TOTALS:	Aye – 6	Nay – Ø	Absent – Ø

ATTEST:

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK

APPROVED this 9th day of May, 2022.

Michael Watson

MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

Julie Tambling

JULIE TAMBLING, VILLAGE CLERK

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 O-05-22-02, "AN ORDINANCE CREATING A NEW ARTICLE X (MOBILE FOOD VENDORS AND MOBILE FOOD VEHICLES) IN CHAPTER 12 (BUSINESS REGULATION) OF THE VILLAGE OF BRADLEY CODE OF ORDINANCES" which was adopted by the Village Corporate Authorities at a meeting held on the 9th day of May, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 9th day of May, 2022.

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

(SEAL)

Agenda Cover Memorandum

Internal Review
Initials
Date

Meeting Date: May 9th, 2022

Fiscal Year: 2022

Agenda Item: Amend Food Truck Ordinance #O-04-22-11

Item Type: ☒ Ordinance ☐ Resolution ☐ Other

Action Requested: ☒ Approval ☐ First Reading ☐ For Discussion ☒ Informational

Staff Contact: Name: Bruce Page - Director Community Development Department

Phone: 815-936-5100 ext. 1111

Email: bepage@bradleyil.org

Summary: To amend Ordinance O-04-22-11 chapter 12 (Business Regulation), Article X (Mobile Food Vendors and Mobile Food Vehicles), Section 12-365. The Category III Facility definition (iii) will state only non-alcoholic beverages will be served at the facility.

Is this a budgeted item? ☐ Yes ☒ No ☐ Requires Budget Amendment

Line Item: Title:

Amount Budgeted: