

3-O-11

AN ORDINANCE

**Amending Portions of Title 8, Chapter 26 of the City Code,
"Mobile Food Vehicle Vendors"**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 8, Chapter 26, Section 2, of the Evanston City Code as amended (City Code), is hereby further amended to read as follows:

8-26-2: PERMIT REQUIRED; APPLICATION:

- (A) It shall be unlawful for any person to operate within the City a mobile food vehicle, as defined in this Chapter, without first having obtained a license for that purpose.
- (B) Any person desiring to operate a mobile food vehicle shall make a written application for such license to the City Manager or his/her designee. The application for such license shall be on forms provided by the City Manager or his/her designee and shall include the following:
1. Name, signature and address of each applicant and each corporate officer.
 2. Name and address of the approved commercial supply source and the affiliated licensed food establishment in the City.
 3. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
 4. The anticipated volume of food to be stored, prepared and sold.
 5. Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
 6. Proof of access to restrooms with a hand sink for use by employees within two hundred (200) feet of the mobile food vehicle during times when the vehicle is parked in one (1) location for more than two (2) hours. Proof of access shall be evidenced by written agreement

between the vendor and the business or entity which will provide such access.

7. A valid copy of all necessary licenses or permits required by State Health or Transportation Authorities.
8. A signed statement that the vendor shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Vendor shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice served upon the City of Evanston Law Department. A license issued pursuant to the provisions of this Section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of Evanston Law Department.
9. The proposed location(s) and times of operation for conducting business in accordance with this Chapter. Vendors shall be required to provide to the City a signed statement that the vendor shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the permit. No application will be accepted for a permit to operate at a location where a current permit has been issued or a complete application is pending. If the proposed location is private property, the applicant shall provide to the City written consent from the property owner.

Vendor shall notify the City Manager or his/her designee within thirty (30) days of any changes to application information.

It shall be the duty of the City Manager or his/her designee to inspect the vehicle and determine the fitness and suitability of the vehicle for its intended use.

- (C) *License fees:* All vendors licensed under this Chapter shall pay an annual license fee of five hundred dollars (\$500.00). The fee for any such license issued after July 1 in any calendar year shall equal two hundred fifty dollars (\$250.00). This Sub-Section C is retroactive to September 13, 2010.
- (D) *Form and condition of permit:* In addition to naming the vendor, the approved operating location site diagram, and other information deemed appropriate by the City Manager or his/her designee, the mobile food vehicle vending permit shall contain the following conditions:

1. Each mobile food vehicle vending license shall expire on December 31 of each year.
2. The license shall not be transferrable from person to person or from place to place without the approval of the City Manager or his/her designee.
3. The approved operational location may be changed, either temporarily or permanently, by written notice of the City Manager or his/her designee.
4. The license is valid for one (1) vehicle only.
5. There shall be issued to each vendor a suitable decal that shall be permanently and prominently affixed to the vehicle.

(E) *Refusal to issue; suspension; revocation:* Licenses authorized to be issued pursuant to this Chapter may be suspended, revoked or refused to be issued upon good cause shown. The issuing authority may refuse to issue, revoke, or suspend a license if any applicant or agent thereof refuses to comply with any requirement of this Chapter.

(F) *Temporary Food Establishment Permit:* A mobile food vehicle vendor who has a current valid permit under this Section shall not be required to obtain a temporary food establishment permit in order to conduct business at a private event, unless said vendor alters its current and approved menu, in which case the mobile food vehicle vendor shall be required to obtain a temporary food establishment permit in order to operate at a private event.

SECTION 2: That Title 8, Chapter 26, Section 5, of the City Code, is

hereby further amended to read as follows:

8-26-5: SANITATION AND INSPECTIONS:

- (A) All mobile food vehicles shall be kept in a clean and sanitary condition. It shall be the duty of the City Manager or his/her designee to make or cause to be made such inspections as may be necessary to ensure all mobile food vehicles are kept in a clean and sanitary condition. The City Manager or his/her designee, bearing proper identification, shall be permitted to enter any mobile food vehicle at any reasonable time for the purpose of inspecting to determine whether the vendor has complied with the terms of this Title. Additionally, the vendor shall, on request, provide the City Manager or his/her designee with the records of the mobile food vehicle to obtain information pertaining to food and supplies purchased, received, or used. Denial of access to the mobile food vehicle or to said records shall be deemed an interference with the City Manager or his/her designee in the performance of his/her duties.

- (B) All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health standards and requirements, as well as standards to be determined by the City Manager or his/her designee.
- (C) All food, beverages, ice and other materials sold or used in preparation of goods to be sold must be obtained from an approved commercial source.
- (D) All off-site food preparation and food storage must be done at the primary licensed food establishment. Food cannot be prepared in a home.
- (E) All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the affiliated licensed restaurant. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the affiliated licensed restaurant. A garbage receptacle shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That if any provision of this Ordinance 3-O-11 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 3-O-11 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 10, 2011

Approved:

Adopted: January 24, 2011

January 26, 2011

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

