THE VILLAGE OF ROBBINS

COOK COUNTY, ILLINOIS

ORDINANCE

No. _____11-14-23 B_____

AN ORDINANCE ENACTING CHAPTER 10, ARTICLE V OF THE CODE OF THE VILLAGE OF ROBBINS ESTABLISHING REGULATIONS FOR MOBILE FOOD VEHICLES

DARREN E. BRYANT, MAYOR

SHARON S. DYSON, VILLAGE CLERK

DAVID R. DYSON

THOMAS HARPER, JR.

TIFFANY S. ROBINSON

GREGORY JACKSON

MICHAEL COLLIER SR.

ERNEST MAXEY, JR.

Board of Trustees

PASSED AND APPROVED BY THE MAYOR AND BOARD OF TRUSTEES

THIS __14th___ DAY OF ___NOVEMBER____, 2023

ORDINANCE NO. ___11-14-23 B_____

AN ORDINANCE ENACTING CHAPTER 10, ARTICLE V OF THE CODE OF THE VILLAGE OF ROBBINS

ESTABLISHING REGULATIONS FOR MOBILE FOOD VEHICLES

WHEREAS, the Village of Robbins Is a home rule unit of government pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Corporate Authorities of the Village of Robbins seeks to increase the regulate the operations of Mobile Food Vehicles; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Robbins, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: That the above recitals are incorporated herein and made a part hereof, as set forth in their entirety.

Section 2: Chapter 10, Health and Sanitation. Article V. Mobile Food Vehicles, Sections 10-100 through of the Code of Ordinances of the Village of Robbins, Illinois is hereby enacted by adding the language as follows:

Article V. Mobile Food Vehicles

Sec. 10-100. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEVERAGES. A liquid for drinking that does not contain alcohol.

FOOD or ***FOODSTUFF.*** Any substance that is defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

FOOD DELIVERY VEHICLE. Any vehicle that is primarily used for the delivery of food or beverages to consumers in the village, on request for such delivery, but does not include vehicles that primarily make deliveries of supplies or inventory to licensed food establishments, food stores, or mobile food service establishments.

FOOD PREPARATION. Packaging, processing, cooking, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

MOBILE FOOD VEHICLE OR VEHICLE. A licensed, motorized vehicle modified to include facilities for the cooking, processing and preparation of food and beverages, when temporarily parked on property other than a public street, road, or right-of-way, and from which food items or beverages are then sold to the general public.

MOBILE FOOD VENDOR OR VENDOR. The owner or vendor of a mobile food vehicle to be licensed under this chapter, and who shall be the party responsible for the compliance of the operations of the mobile food vehicle with the requirements of this chapter, the village code, and other applicable laws and regulations.

Section 10-101. License Required.

It shall be unlawful to sell or offer for sale any food or beverage for human consumption from any motor vehicle or any vehicle or any vehicle or cart of any kind in the Village unless the mobile food vehicle is properly licensed.

Section 10-102. Compliance with State and Local Laws.

Each Mobile Food Vehicle that is permitted to operate in the Village shall be operated in strict compliance with the regulations set forth in this Chapter as well as all applicable ordinances, laws, rules, and regulations, including without limitation, all zoning, building, health, fire, and safety regulations, and all other provisions of the Village Code, the Code of Ordinances of Cook County and any applicable Illinois state law. If a conflict arises between applicable regulations, the strictest regulation shall control.

Section 10-103. Application

(A) Applications for all Mobile Food Vehicle licenses shall be made in writing to the Office of the Village Clerk and the Building and Codes Department on forms provided by each office. Each application shall state the following:

(1) Whether the Mobile Food Vendor is a corporation, partnership or sole proprietorship; the state of incorporation of the Mobile Food Vendor if the vendor is a corporation; whether the Mobile Food Vendor is organized and qualified to do business under the laws of the state; if the Vendor is a corporation; the names of the individuals who own the Mobile Food Vehicle; the registered agent of the Vendor; the Vendor's principal place of business; and the principal office of the Vendor;

(2) The Vendor shall, with its application for a license, register or cause to be registered the Mobile Food Vehicle operated by, or operated for, such Vendor within the city. The following information for the mobile food vehicle to be registered shall be provided:

(a) The year, make, model, color, license plate number and vehicle identification number of the Mobile Food Vehicle; and
(b) The name, address and telephone number of the owner of the Vehicle.

(3) A description of the food product(s) offered for sale on the Vehicle, including the intended menu;

(4) A list of locations and times the Mobile Food Vehicle will be conducting its operations within the village, which may be amended from time to time by the Mobile Food Vendor to reflect its then current operations of the Mobile Food Vehicle, subject to review and approval by the Building and Codes Department;

(5) Copies of all necessary licenses or permits required by the State Public Health or Transportation authorities for the operation of the Mobile Food Vehicle;

(6) If applicable, the permit application must include the written consent of the property owner stating the Mobile Food Vehicle is allowed to operate on the property, together with copies of any relevant documentation between the property owner and the Mobile Food Vendor evidencing the terms of such consent; and

(7) A signed statement approved by the Village as to form and substance providing that the Vendor shall hold harmless the Village and its officers and employees, and shall indemnify the Village, its officers, and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried out under the terms of the license. Contemporaneously with the issuance of a license under this chapter, the Mobile Food Vendor shall obtain or have in full force and effect commercial general liability insurance coverage insuring the Vendor and the Village with respect to occurrences arising out of the activities authorized by the license, with such coverage having combined single limits of not less than $ 1,000,000 for personal injury and death and property damage per occurrence, and in the aggregate, which coverage shall specifically refer to this license. Coverage of the Village shall be by written endorsement naming the Village as an additional insured. The Vendor shall further maintain automobile liability insurance with coverage of not less than $1,000,000 for personal injuries or death per occurrence and $1,000,000 for property damage per occurrence. All insurance coverage provided under the license shall expressly provide that it is primary and noncontributory to any insurance coverage maintained by the Village, and shall waive any rights of recovery against the Village. Copies of all policies of insurance, certificates of insurance and endorsements reflecting the coverages required under this agreement shall be provided to the Village prior to the issuance of any license under this chapter. All such insurance coverage shall further provide that it may not be cancelled except upon 30 days' written notice served upon the Mayor and his or her designee. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required in this subchapter is not maintained and evidence of continuing coverage is not filed with the Building and Codes Department.

(B) At the time of application, all applicants shall pay a $50 application fee and corresponding inspection fees for building and fire to the Building and Codes Department.

10-104. Prohibited Operating Locations

(A) Mobile Food Vehicles are not authorized to operate in the following locations in village:

(1) Public parks owned and operated by the Park District, subject to the Park District's consent;

(2) Within 500 feet of a residential zoned area.

(B) In addition to the above restrictions, no Mobile Food Vehicle shall not operate in a location that:

(1) Would substantially obstruct a public way;

(2) Would impair the movement of pedestrians or vehicles;

(3) Would pose a hazard to public safety;

(4) Is adjacent to a bus stop, taxi stand or handicap loading zone;

(5) Is 30 feet of an intersection;

(6) Is within three feet of a curb cut;

(7) Is directly in front of a property entryway;

(8) Is adjacent to or within 500 feet of the property line of a food establishment business. This requirement may be waived if the application is submitted with written consent of the proprietor of the adjacent food establishment business;

(9) Is within 500 feet of any festival, special event, or civic event that is permitted or sponsored by the village except when the vendor has obtained a temporary use permit from the village; or

(10) Is within 500 feet of the property lot line of any elementary, middle and secondary schools (public or private), subject to the written approval of the school.

(C) Pedestrian walkways of not less than six feet must be maintained around the Mobile Vehicle location.

(D) No more than three Mobile Food Vehicles shall be allowed to operate per private parking lot located in the authorized locations. The private parking lot must remain in compliance with the Zoning Code, including the off-street parking requirements for the host parking lot. The Mobile Food Vehicles shall not block required drive aisles and must be parked on an all-weather surface lot at all times.

(E) A Vendor shall not operate on private property within the permitted operating locations without first obtaining written consent to operate from the affected private property owner.

10-105. Conditions of Permit Approval

In addition to naming the Applicant/Mobile Food Vehicle Vendor, the approved operating location and other information deemed appropriate by the Building and Codes Department, all Mobile Food Vehicles are subject to the following conditions:

(A) Each Mobile Food Vehicle License is valid for one fiscal year, with an effective date of May 1 and an expiration date of April 30.

(B) Mobile Food Vehicles may operate on private property in any zoning district other than residential districts.

(C) Mobile Food Vehicles may not operate within the Village for more than eight hours during any 24-hour period, but in no case to exceed the hours of operation for the business on the property on which the Mobile Food Vehicle is located.

(D) Proof of County Health Department approval must be provided to the Building and Housing Department prior to beginning operation.

(E) All mobile food vehicles shall have an annual inspection by the Fire Department and Building and Codes Department.

(F) If liquid propane gas is used by the Mobile Food Vehicle, the following conditions shall be met:

(1) Cooking and warming equipment shall be in good working condition and cleaned of grease or other combustible material.

(2) Portable liquid propane gas containers, piping, valves and fittings which are located outside and are being used to fuel equipment shall be adequately protected to prevent tampering, damage by vehicles or other hazards, and shall be located in an approved location. Portable liquid gas containers shall be securely fastened in place by use of an approved method to prevent unauthorized movement, tipping or regulator damage.

(3) Fittings, valves and hoses used with liquid propane gas equipment shall be maintained in good working condition. When, in the opinion of the Fire Safety Official, an unsafe condition exists with the fitting, valve, or hose used by the equipment, it shall be replaced or the equipment shall not be used.

(4) Liquid propane gas containers shall be stored within a suitable enclosure or otherwise protected against tampering.

(5) A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooling appliances used for commercial purposes that produce grease laden vapors.

(6) Combustible materials shall be kept a minimum of three feet from cooking appliances.

(7) A fire extinguisher of minimum size 2A1OBC shall be provided in the cooking area. Cooking equipment involving vegetable or animal oils and fats shall be protected by a Class K rated portable fire extinguisher.

(G) Mobile Food Vehicles must provide receptacles for refuse and properly dispose of all waste.

(H) Mobile Food Vehicles must comply with all noise regulations of the village.

(I) Mobile Food Vehicles may not provide seating or tables for their customers.

(J) Mobile Food Vehicles are allowed to display signage that is painted or permanently affixed to the vehicle. Mobile Food Vehicles are not allowed to display any additional signs, such as freestanding sandwich boards.

(K) Mobile Food Vehicles may not have amplified sound or music emanating from the vehicle.

(L) As part of the application, the Mobile Food Vehicle shall provide a site plan that shows the location at which the mobile food vehicle will operate.

(M) Mobile Food Vehicles shall be parked on all-weather surface, asphalt or concrete.

(N) Mobile Food Vehicles shall not be allowed to park in fire lanes, handicap parking spaces, or in any other location that will impede traffic flow or create unsafe conditions for pedestrians.

(O) Mobile Food Vehicles shall utilize necessary control measures to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the Mobile Food Vehicle. Every Mobile Food Vehicle shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the mobile food vehicle and reports prepared by the pest control service. This log shall be open to inspection by city health and sanitation inspectors.

(P) All Mobile Food Vehicles shall have adequate mechanical refrigeration equipment and such equipment shall be capable of maintaining food or drink at a temperature of 40 degrees Fahrenheit or less, if any food or drink is required to be kept cold. All Mobile Food Vehicles shall have adequate mechanical heating equipment and such equipment shall be capable of maintaining food or drink at a temperature of 140 degrees Fahrenheit or more, if any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of 165 degrees Fahrenheit or more, if any food or drink is required to be heated.

(Q) All Mobile Food Vehicle licenses are subject to the approval by the Mayor and the Village Council.

10-106. License Fee.

The annual license fee for each Mobile Food Vehicle shall be $250. The temporary use license for each Mobile Food Vehicle shall be $50 per day.

10-107. Use Standards .

(A) Mobile Food Vehicles must be brought to a complete stop, with the ignition turned off, and be lawfully parked within the location approved for the license prior to commencing operations. Vendors must provide or have garbage receptacles readily available for immediate use by customers of the mobile food vehicle. Village trash receptacles are not to be used for this purpose. Such receptacles shall be removed from the site upon the

conclusion of the Mobile Food Vehicle operations, and at all times when the Mobile Food Vehicle is not at the location for which the license has been approved.

(B) Vendors must pick up, remove, and dispose of all garbage, refuse, or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the Mobile Food Vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where the Mobile Food Vehicle is operating.

10-108. Operation in Parking Lots

A Mobile Food Vehicle may not serve, dispense, or sell food or beverages in a public or private parking lot within the corporate limits of the village without having first obtained written consent to operate from the owner of the property on which the lot is located. A copy of such written consent shall be maintained in the Mobile Food Vehicle for review on request by any Village employee or officer and provided to the Building and Codes Department.

10-109. Hours of Operation.

A Mobile Food Vehicle may be open to the public only between the hours of 9:00 a.m. and 8:00 p.m., 7 days a week. Daily set up of a Mobile Food Vehicle may not occur before one hour prior to the permitted opening time, and the end of the day, clean up must be completed not later than 8:30 p.m. Mobile Food Vehicles shall not be parked on the premises from which they operate under license during the time period after end of the day clean up and before the permitted set up time on the next intended day of operation. Hours of operation beyond these specified hours for special events conducted by an owner or occupant of the location proposed for the operation of the mobile food vehicle may be authorized with prior approval from the Village Council, upon verification that the conduct of the proposed event otherwise complies with the applicable ordinances of the city, and the laws and regulations of any other governmental authorities having jurisdiction.

10-110. Signage Furnishing and Fixtures.

It shall be unlawful for a Vendor to use or cause to be displayed while in transit, motion or parked any flashing or electronic signs or illuminated signs. It shall be unlawful for Mobile Food Vehicles to display or utilize any signage that is not permanently affixed to a Mobile Food Vehicle.

10-111. Consumption of Alcohol Prohibited.

It shall be unlawful for any Mobile Food Vehicle and Mobile Food Vendor to sell, give or deliver alcoholic liquor on the licensed premises, or to allow patrons to consume liquor on the licensed premises regardless of whether such liquor is provided by a licensee, a patron or otherwise, whether for a fee or otherwise, without first having been issued an appropriate retail liquor license in conformity with the Village Code of Ordinances.

10-112. Denial of License .

An applicant may be denied a Mobile Food Vehicle license under any of the following conditions:

(A) The applicant has previously failed to comply with the provisions of a Mobile Food Vehicle license;

(B) The applicant has been convicted of a violation of any provisions of this Chapter; or

(C) The applicant has failed to qualify for any other license required by the Code of Ordinances of the Village.

10-113. Revocation of License

The Mayor or his or her designee may revoke any issued Mobile Food Vehicle license under any of the following conditions:

A. The applicant is found in violation of this Code, or of the Illinois Compiled Statutes or Ordinances of the Village relating to the public health, safety, or fire protection;

B. The applicant has made a false material statement in the application;

C. The applicant fails to comply with any of the provisions of this Chapter or the terms or conditions of the permit issued pursuant to this chapter; or

D. The property owner communicates to the city in writing that the Mobile Food Vehicle no longer has permission to operate.

10-114. Exemptions; Scope.

Food Delivery Vehicles shall be exempt from the application of this Chapter. The regulations of this Chapter shall only apply to the Mobile Food Vendors in connection with their operation of mobile food vehicles, as defined in this subchapter.

10-115. Transferability.

No Mobile Food Vehicle license shall be assigned or transferred and shall apply only to the specified Mobile Food Vehicle and Mobile Food Vendor. Upon issuance of a Mobile Food Vehicle license, the Vendor shall, at all times, when operating a Mobile Food Vehicle in the city, display the license that has been issued by the Village that will include the license number and year for which the license is valid. The Mobile Food Vendor shall display this license upon the request of any police officer, city employee or customer.

10-116. Complaints.

(A) Any person may file a written complaint with the Building and Codes Department regarding the conduct of a Mobile Food Vehicle, Mobile Food Vendor or Mobile Food Vendor's company or the condition of the Mobile Food Vehicle.

(B) The Director of Building and Codes or his or her designee shall investigate all complaints against Mobile Food Vehicles, Mobile Food Vendors or a Mobile Food Vendor's company. He or she shall notify the Vendor and the Vendor's company of the complaint and may conduct a meeting on the matter. If the Director determines that such a meeting is necessary, the operator of the Mobile Food Vehicle and a representative of the Mobile Food Vendor's company shall be present. If the Director determines that any provision of this subchapter has been violated, he or she shall take any further action consistent with the provisions of this chapter and may also refer the matter to the Police Department or Village Council. Any person aggrieved by any decision shall have the right to appeal said decision.

10-117. Enforcement.

The Village may enforce the provisions of this subchapter by filing an action in the Administrative Hearings Division of the Village. Without otherwise limiting the foregoing, the Village may also bring an action to collect payment of unpaid fees or to compel the Vendor to take actions to comply with the requirements of this Chapter. Provisions may further be enforced through local adjudication, or any other manner provided by law.

10-118. Penalty.

(A) Any person, firm or corporation violating any provisions of this Chapter, for which another penalty is not provided, may be punished, in addition to the revocation of the license as hereinabove provided in this chapter, by imposition of a fine of not less than $25, nor more than $500, for each offense. A separate offense is deemed to have been committed on each day during which or on which a violation occurs or continues. Persons, firms or corporations who have violated the terms and provisions of this Chapter of the Village Code of Ordinances by operating either directly or indirectly without having first secured the required license, but who, prior to the institution of judicial proceedings to enforce the provisions of this title, applies for said license, shall be charged an administrative fee in a sum equal to the fee for the license applied for. Said administrative fee shall be in lieu of any fine which might have been imposed by a court of competent jurisdiction in which enforcement of the provisions of this title may have otherwise been sought.

(B) Any person, firm or corporation who violates any of the provisions of this Chapter shall for each offense be fined not to exceed $500. Each and every violation of this chapter shall constitute a separate offense and each day that a violation continues shall constitute a separate offense.

(C) Any person, firm or corporation found to have violated any of the provisions of this chapter shall, upon conviction thereof (or upon entry of a guilty plea or other plea the substance of which is to admit or fail to contest the charged violations of this chapter), be fined not less than $250 nor more than $750.

[The remainder of this page intentionally left blank]

Section 3: This ordinance shall be in full force and effect on ___November 14, 2023 ___ after its publication in pamphlet form.

ADOPTED this __14TH_____ day of ___NOVEMBER____, 2023, pursuant to a roll call vote as follows:

	AYES	NAYS	ABSENT	ABSTAIN
David R. Dyson	X			
Tiffany S. Robinson	X			
Gregory Jackson	X			
Michael Collier SR.	X			
Ernest Maxey JR.	X			
Thomas Harper, Jr.	X			
Mayor Darren Bryant				
Total	6	0	0	0

PASSED AND APPROVED on this ___14TH____ day of __NOVEMBER____, 2023.

Darren E. Bryant

Darren E. Bryant, Mayor

ATTEST:

Sharon S. Dyson

Sharon S. Dyson, Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Sharon Dyson, Village Clerk of the Village Robbins, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

Ordinance No. __11-14-23 B__

AN ORDINANCE ENACTING CHAPTER 10, ARTICLE V OF THE CODE OF THE VILLAGE OF ROBBINS

ESTABLISHING REGULATIONS FOR MOBILE FOOD VEHICLES

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Robbins, Illinois at their Regular Village Board Meeting on the _14th_ day of _November__, 2023, at which meeting a quorum was present, and approved by the President of the Village of Robbins on the ____14th__ day of _November__, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Robbins was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Robbins, and that the result of said vote was as follows, to-wit:

AYES:_____6_____

NAYS:_____0_____

ABSENT:_____0_____

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Robbins, this _14th__ day of _November__, 2023.

Sharon S. Dyson
Sharon S. Dyson, Village Clerk

[SEAL]