

## CHAPTER 55.1

### **MOBILE FOOD UNITS, TEMPORARY VENDOR STANDS, AND FOOD AND BEVERAGE CARTS**

(Added Chapter 55.1, Ordinance 2022-25, May 16, 2022)

1. **DEFINITIONS.** For the purpose of this Chapter, the certain words or phrases shall be defined as set forth:

(a) Mobile Food Unit shall mean a motorized truck, trailer or moveable temporary structure food unit from which cooked, wrapped, packaged, processed or frozen, cold or hot pre-packaged foods are sold for immediate consumption and which conducts all or part of its operations on premises other than its own and is readily movable, for transport to another location. Mobile food units do not include street and sidewalk vendors.

(b) Temporary Vendor Stands shall mean establishments within a movable temporary structure, truck or trailer created for temporary sales of food that is not temperature controlled, confections, goods, wares or merchandise with no or minimal assembly on site.

(c) Food and Beverage Cart shall mean any table, pushcart, wagon or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Secretary of State.

(d) Downtown District, for the purposes of this Chapter, shall mean any parcel or territory in the area generally bounded by Wood Street, Franklin Street, Eldorado Street and Church Street.

Amended, January 2023

(e) Central Park means the area bounded on the north by the right-of-way line of North Park Street, on the west by the right-of-way line of North Water Street, on the south by the right-of-way line of South Park Street, and on the east by the right-of-way line of North Franklin Street.

2. **LICENSE REQUIRED.** It shall be unlawful for any person to operate a mobile food unit, temporary vendor stand, or food and beverage cart within the City of Decatur, as defined in this chapter, without first having obtained a license for that purpose. Each mobile food unit, temporary vendor stand, or food or beverage cart license shall expire on December 31 of each year. Licenses are non-transferrable. The issued license is valid only for one mobile food unit, one temporary vendor stand, or one food and beverage cart. Upon approval, licensees must permanently affix the license to their food unit, vendor stand, or cart in a prominent location, visible to the public.

3. **APPLICATION.** No person or entity may operate a mobile food unit, temporary vendor stand, or food and beverage cart without submitting a written application for such license, as applicable, to the City of Decatur's Department of Finance. The applicant shall obtain a certificate of registration from the City of Decatur Department of Finance to collect sales and food and beverage tax as required. The application shall include the following:

(a) The name, signature, address and telephone number of each applicant and each corporate officer, if applicable, for the license. No license shall be issued to an applicant under the age of 18.

(b) Whether the applicant has been convicted within the last five years of any offense related to theft, burglary, fraud, criminal sexual assault or criminal sexual abuse, or offenses involving violence against another person. No license shall be issued to an applicant who answers in the affirmative.

(c) Whether the applicant or his employer has had a license issued pursuant to the Chapter revoked for cause.

(d) The proposed location(s) and times of operation for conducting business in accordance with this Chapter. A food and beverage cart vendor may submit up to two (2) locations for conducting business. The applicant shall provide to the City written consent from the property owner for all proposed locations. No licensee shall be located in a restaurant/store/office frontage right-of-way or inhibit customer traffic unless written approval has been received from said restaurant/store/office and submitted with the application. No mobile food unit or temporary vendor stand shall be operated on the City right-of-way unless located temporarily as part of a City-approved sponsored event.

(e) License plate number and registration of the mobile food unit or temporary vendor stand (if applicable) proposed to be licensed.

(f) Printed image of the mobile food unit, temporary vendor stand or food and beverage cart to be used.

(g) A signed statement that the licensee 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 this license.

(h) Licensee shall obtain 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 \$1,000,000.00 per occurrence, \$2,000,000.00 aggregate. The policy shall list the City of Decatur as additional insured. Said applicant shall file with the City of Decatur's Finance Department a Certificate of Insurance and said Certificate shall provide for not less than 30 days' notice to all insured prior to cancellation. Failure to maintain insurance required herein may result in a revocation of the license.

(i) When seeking a renewal, applicants shall submit an accurate record of sales, organized by date, from the previous year. Upon request, the licensee shall produce documentation in a manner acceptable by city staff, sufficient to verify the record of sales and taxes collected and remitted, such as dated cash register records or numbered receipts or other transaction register. For example, for 2021 license renewals, these records should reflect sales made from January 1, 2020 through December 31, 2020.

(j) Licensee shall notify the City's Department of Finance within 30 days of any change to application information provided. (Amended, Ordinance 2023-03, January 17, 2023)

#### **4. LICENSE FEES.**

(a) Mobile Food Unit: To operate a mobile food unit where allowed by applicable zoning, all vendors licensed under this chapter shall pay an annual license fee of \$50.00 per year, from January 1 through December 31. Should the license be issued after August 15 of any year, the fee shall be \$25.00 for the remainder of the year.

(b) Temporary Vendor Stands: To operate a temporary vendor stand, all vendors licensed under this chapter shall pay an annual license fee of \$50.00 per year, from January 1 through December 31. Should the license be issued after August 15 of any year, the fee shall be \$25.00 for the remainder of the year.

(c) Food and Beverage Carts: To operate a food and beverage cart within the Downtown District, the annual license fee shall be \$50.00 per year, from January 1 through December 31. Should the license be issued after August 15 of any year, the fee shall be \$25.00 for the remainder of the year.

(d) No refunds shall be issued for businesses that fail to operate for an entire year.

(Amended, Ordinance No. 2023-03, January 17, 2023)

5. **TEMPORARY EVENTS.** The licensing and application requirements of this Chapter do not apply to a mobile food unit, temporary vendor stand, or food and beverage cart operating at a festival, farmer's market, or other event of four (4) days duration or less permitted by the City when the operator has the permission of the organizer of the event to be present at the event and the organizer of the event has met all City of Decatur requirements for holding the special event.

6. **MOBILE FOOD UNITS IN THE DOWNTOWN DISTRICT.**

(a) Mobile food units or their customers shall not impede traffic flow or emergency access or have an adverse effect on other activities on the property including, but not limited to required parking or traffic flow.

(b) No mobile food unit located in the Downtown District shall be located within 200 feet of an existing restaurant, while open for business.

(c) No tables or chairs may be setup by the licensee alongside a mobile food unit in the Downtown District, and appropriate refuse and recycling containers shall be provided for proper disposal of waste.

(d) Mobile Food units will only be allowed on property in the Downtown District between the hours of 6:00 am and midnight unless affiliated with an approved temporary special event (in which the event organizer will determine location and placement of the unit, in accordance with the event organizer's permit from the City).

## **7. PERMITS REQUIRED.**

(a) If a mobile food unit, temporary vendor stand, or food and beverage cart requires an outside source for power, the Finance Department will arrange for electrical inspections. Permit holders shall comply with requirements of the Electrical Inspector based upon applicable electric codes. No power cable or equipment shall be extended at grade across any city street, alley or sidewalk without proper protection. Any power required for the mobile food unit, temporary vendor stand, or food and beverage cart shall not use utilities drawn from the public right-of-way, without express written consent from the City.

(b) All food units operating within the City of Decatur, including at approved temporary events of four (4) days or less that are exempt from this license, shall obtain a permit and pass inspections by the Macon County Health Department or obtain a permit exemption from the Macon County Health Department before opening to the public.

**8. REVOCATION AND SUSPENSION OF LICENSE OR PERMIT.** Any license or permit issued under this chapter may be revoked or suspended by the City Manager, or his designee, if it is found, after a hearing:

(a) The licensee or permit holder has violated any of the provisions of this chapter, the laws of the State, or the ordinances of the City while engaged in the business of a mobile food unit, temporary vendor stand, or food and beverage cart.

(b) The licensee or permit holder has knowingly furnished false or misleading information or withheld relevant information on any application for a license or permit.

Prior to holding a hearing concerning the question of whether a license or permit issued pursuant to this Chapter shall be revoked or suspended, the City Manager shall give at least five days' written notice to the licensee setting forth the alleged violations specifically. The licensee or permit holder may present evidence at such hearing and cross-examine witnesses.

## **9. RESTRICTIONS.**

(a) Hours of operation shall be limited to the hours between 6:00 a.m. and midnight within the City limits of Decatur.

(b) No approved mobile food unit, temporary vendor stand, or food and beverage cart shall be left unattended on a public way unless the public way has been closed as part of an approved event, festival or celebration.

(c) No mobile food unit, temporary vendor stand, or food and beverage cart shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

(d) No mobile food unit, temporary vendor stand, or food and beverage cart shall use external signs, bollards, seating, or any other equipment on public property or within the right-of-way.

(e) No mobile food unit, temporary vendor stand, food and beverage cart shall have a drive-through.

- (f) The mobile food unit, temporary vendor stand, or food and beverage cart shall prominently display the name of the business owner.
- (g) No appliances for outdoor cooking shall be allowed with a mobile food unit, temporary vendor stand, or food and beverage cart without express written consent from the City.
- (h) A mobile food unit, temporary vendor stand, or food and beverage cart selling food and beverages shall, at a minimum, have available for public use a 35-gallon litter receptacle and a 20-gallon recycling container which is available for their patrons' use.
- (i) No mobile food unit, temporary vendor stand, or food and beverage cart shall leave its location without first picking up, removing and disposing of all trash or refuse from the sales made by the licensee. The licensee shall clean from surfaces any spills or stains caused by the business.
- (j) No mobile food unit, temporary vendor stand, or food and beverage cart shall solicit or conduct business with persons in motor vehicles.
- (k) Each mobile food unit and temporary vendor stand shall maintain a complete record of all sales. Receipts shall be available to customers upon request. A record of individual transactions shall be made available to the City of Decatur upon request.
- (l) Mobile food units, temporary vendor stands, and food and beverage carts shall be kept in good operating condition and properly maintained.
- (m) No property interest or right of occupancy is created by approving operation of mobile food units, temporary vendor stands, or food and beverage carts in any property or public location.



(n) Four (4) days or more with no sales or service to customers, shall require the mobile food unit, temporary vendor stand, or food and beverage cart to be removed from the licensee's approved site or moved into the side or rear yard of that site.

(o) No mobile food unit, temporary vendor stand, or food and beverage cart shall be located on an unimproved surface, except as part of a larger City-approved community festival or event.

(p) No cart, table, chair, or other object may be located within four (4) feet of any intersection as defined in the Illinois Vehicle Code, and such carts, tables, chairs, and other objects must be located so as to provide a minimum of four (4) feet of unobstructed passage.

(q) Use of glass containers is prohibited. Any item(s) originally packaged in a glass container shall be served in a plastic or paper container.

(r) No licensee shall deface, mar, mark, damage or destroy public sidewalks, public rights-of-way or Central Park. All stains from wheels, spillage or other cause shall be removed within two (2) days. All food and beverage carts shall have a protective pad under their cart and site to protect the public sidewalk, public right-of-way or Central Park property.

10. **PENALTY.** Any person, firm or corporation who shall violate any provision of this Chapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day of a continuing violation be deemed a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another. Nothing provided for herein shall preclude

the City of Decatur from seeking equitable relief, in addition to fines and penalties, as it deems appropriate.