

Proposed Changes to Chapter 25, Article XII “Mobile Food Unit Vendors”

**Rules, Administration and Procedures Committee
Tuesday, February 21, 2023**



Process Overview

- On November 22, 2022, the City Council unanimously approved a moratorium on Mobile Food Unit vendors.
- All vendors on file were mailed a notice regarding the moratorium.
- In December, surveys were emailed to:
 - Downtown businesses
 - All liquor licensee's
 - Mobile Food Unit Vendors
- Tuesday, February 14, 2023, the City Council unanimously approved an extension on the moratorium on Mobile Food Unit vendors.
- Wednesday, February 15, 2023, a meeting for Mobile Food Unit vendors was held to explain proposed changes.
- Tuesday, February 21, 2023, staff presented overall proposed changes to RAP Committee



Downtown Business Survey Responses

Currently, the city has six (6) designated spots in the downtown available on a first-come, first-serve basis for food trucks to park and vend from Monday, Wednesday and Friday from 11 am – 4 pm in Spring, Fall and Summer. All spaces adhere to the current distance requirement of 100 ft. from a brick-and-mortar restaurant. Are you, as a business owner supportive of the city continuing this practice?

Yes: 6

No: 4

The city currently allows for certain flexibility for mobile food vendors/food trucks during some special events (Food Truck Festival, Stolp Island Block Party, Winter Lights Festival, Farmer's Market & First Friday Food Truck Court to name a few). Do these events:

Positive: 7

Negative: 2

No response: 1

Are you supportive of the continued limited use of mobile food units/food trucks in the downtown?

Yes: 5

No: 4

No response: 1



Liquor Licensee Survey Responses

In the past 12 months, has a mobile food unit/food truck operated near your brick-and-mortar establishment?	If yes to Question #1:	Does your business rent or lease out parking spaces to mobile food vendors/food trucks to park and operate out of regularly?	Does a business near you rent or lease out parking spaces to mobile food vendors/food trucks to park and operate out of regularly?	Does your establishment have a mobile food unit/food truck as part of your brick-and-mortar establishment?	Do you support distance requirements for mobile food units/food trucks from brick-and-mortar restaurants?
Yes: 19	Yes: 13 (Positive Impact)	Yes: 3	Yes: 14	Yes: 1	Yes: 27
No: 27	No: 18	No: 41	No: 30	No: 44	No: 16
	No Response: 15	No Response: 2	No Response: 2	No Response: 1	No Response: 3



Mobile Food Unit Vendor Survey Responses

Did you receive the notice about the moratorium on mobile food unit licenses in the City of Aurora?	If the city is able to provide regular locations for you to operate your mobile food unit/food truck from regularly, would you use them?	How often do you currently operate your mobile food unit/food truck?	How often would you like to be able to operate your mobile food unit/food truck?	Do you currently pay to lease a spot to operate your mobile food unit/food truck?	Do you currently participate in any Special Events?	Have you ever received information from the city as to how to participate in events?	Do you or have you ever use the designated food truck spots in the downtown?	Is there anything about the permit application process you would change?
Yes: 14	Yes: 17	Daily: 10	Daily: 14	Yes: 8	Yes: 19	Yes: 13	Yes: 3	Yes: 8
No: 9	No: 6	Weekly: 7	Weekly: 5	No: 15	No: 1	No: 9	No: 12	No: 14
		Special Events: 6	Special Events: 7		Would like to: 3	No Response: 1	Didn't Know: 9	No Response: 1
		Seasonal: 2	Seasonal: 0					



Mobile Food Unit Vendors – Issues Posed

- Are brick-and-mortar restaurants required to be 100 feet away from another restaurant?
- Do we regulate restaurants hours?
- Why are we being singled out if we are following the rules?
- Feel like they are not being recognized or treated as small business owners in Aurora.
- General concerns about location requirements:
 - Those with regular customers expressed concerns they will lose business having to move/not being able to operate out of the same location on a daily basis.
 - Questions about restricting/limiting hours
 - Discussion about using the food truck as a spring-board for a brick-and-mortar



Options to Proceed

1. Proceed as planned
2. Proceed as planned with a more graduated or more modified approach
3. Leave it status quo



Business Requirements

Brick-and-Mortar Restaurant		Mobile Food Unit
Appropriately zoned location with parking		Truck/Trailer (purchase or lease)
New construction process (purchase)		Buildout of truck (if not outfitted)
Lease of space		Fire suppression system
Architect		Access to commissary/prep kitchen
Change of use process (if needed)		Health Department Certification
Development Services Team (DST) Meeting		City License
Buildout/Construction		City license fee/Food & Beverage Tax Bond
Fox Metro/grease trap requirements		Daily set up and break down
Electrical		Annual inspections
Sprinklers/Fire safety		
Local Liquor License		
State Liquor License		
State Food & Beverage Tax		
Food & Beverage Tax Bond		
Local Health Department		
Certificate of Good Standing from Secretary of State		
Insurance		
License for amusement devices		
License for video gaming		
Certificate of Occupancy		
Kitchen equipment		
Hood/Exhaust systems		
Mechanical evaluations		
Plumbing evaluations		
Licensed/registered contractors		
Patio/Outdoor seating requirements (build out/permits)		
Other miscellaneous fees (refuse, internet, etc.)		
Annual inspections		



Mobile Food Unit Vendors - 2022

Seasonal Vendors			Annual Vendors	
Sales	Tax		Sales	Tax
\$11,996.00	\$209.93		\$242,645.00	\$4,246.29
\$29,027.00	\$507.97		\$99,481.00	\$1,740.92
\$7,268.00	\$127.19		\$125,446.00	\$2,195.31
\$12,620.00	\$220.85		\$159,077.00	\$2,783.85
\$1,985.00	\$33.16		\$363,525.00	\$6,361.69
\$1,426.00	\$24.96		\$80,035.00	\$1,400.61
\$3,252.00	\$56.91		\$41,681.00	\$729.42
\$17,925.00	\$313.69		\$1,374.00	\$24.05
\$9,021.00	\$157.87		\$116,576.00	\$2,040.08
\$10,736.00	\$187.88		\$125,697.00	\$2,199.70
\$6,223.00	\$108.90		\$106,406.00	\$1,862.11
\$1,681.00	\$29.42		\$8,909.00	\$155.91
\$11,227.00	\$196.47		\$19,950.00	\$349.13
\$4,796.00	\$83.93		\$68,930.00	\$1,206.28
\$27,682.00	\$484.44		\$6,005.00	\$105.09
\$14,282.00	\$249.94		\$208,530.00	\$3,649.28
\$7,971.00	\$139.49			
\$1,367.00	\$22.17			
\$702.00	\$12.29			
<u>\$181,187.00</u>	<u>\$3,167.46</u>		<u>\$1,774,267.00</u>	<u>\$31,049.72</u>

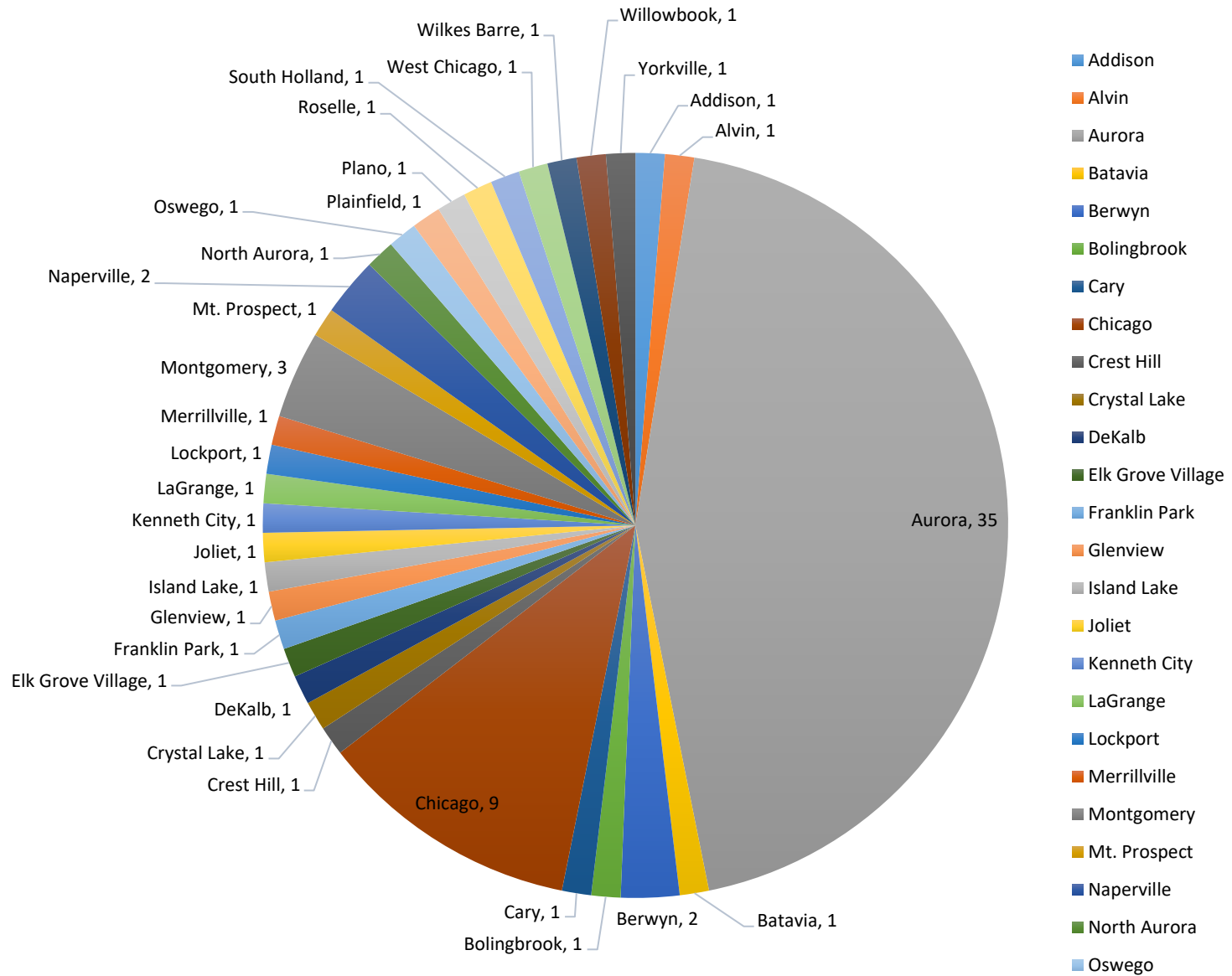


Brick and Mortar Restaurants

Food & Beverage Sales			
2019	2020	2021	2022
\$295,075,544.00	\$252,406,001.71	\$327,853,688.57	\$372,288,219.43
City Food & Beverage Tax			
2019	2020	2021	2022
\$5,163,822.02	\$4,417,105.03	\$5,737,439.55	\$6,515,043.84

Other sources of revenue from brick-and-mortar restaurants:

- 1.75% Food & Beverage Tax
- State Sales Tax
- Property Tax
- Video Gaming Revenue (if applicable)
- License fees:
 - Liquor
 - Amusement devices (if applicable)





Sec. 25-282 Definitions - NEW

- **Address point:** Defined as the measuring point from property line to property line.
- **Adjacent:** All land adjoining and abutting the site, including streets, sidewalks, bridges and buildings adjoining the site.
- **Authorized operating locations:** Locations designated specifically for use by mobile food units. Usage is limited to posted dates and times.
- **Entertainment districts:** As defined in Chapter 6.
- **Fire inspections:** to demonstrate compliance with the minimum fire safety precautions.
- **Food truck:** A self-contained motorized temporary food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.



Sec. 25-282 Definitions - NEW

- **Mobile food unit.** A commercially manufactured, motorized, non-motorized or temporary food unit, including but not limited to food trailers and food trucks, in which ~~ready-to-eat~~ food is cooked, wrapped, packaged, processed, and/or portioned for immediate consumption by the consumer.
- **Food cart.** A compact mobile food serving unit that is either pushed by hand or towed by a non-motorized bicycle. Food carts are primarily used for the sale of food or beverages directly to the consumer. Food carts may include an approved mechanism for maintaining food temperature prior to sale. Approved food carts are only eligible to apply for participation in Special Events. Food carts may not operate within the City except at permitted Special Events or Private Events. This includes but is not limited to hot dog carts, beverage carts, candy carts, and roasting spits, except when approved for participation in permitted Special Events. Food carts must obtain a permit to operate.



Sec. 25-282 Definitions - NEW

- **Food trailer.** A mobile kitchen operating from an enclosed trailer requiring swing doors and consisting of metal or composite siding with no wood paneling on the interior walls. Requires towing by a vehicle for transportation from site to site. Approved food trailers may operate in designated operating zones, however, the maximum size of a food trailer can be no larger than a single designated space in the operating zone.
- **Food truck.** A self-contained motorized temporary food unit/kitchen in which food is cooked, wrapped, packaged, processed and/or portioned for immediate consumption by the consumer. A food truck is driven from site to site without the need for towing. This definition includes units engaged in mobile ice cream sales for immediate consumption.
- **Mobile food vendor.** The owner of mobile food unit or the owner's agent; hereinafter referred to as "vendor."



Sec. 25-282 Definitions – NEW (cont'd)

- **Visual inspection:** Demonstration of compliance with minimum aesthetic requirements as defined in the rules/regulations issued by the license administrator.
- **Leases/long term leases:** Mobile food units are prohibited from operating on a daily basis.
- **License types:** as defined in the rules and/or regulations issued by the license administrator from time to time.
- **Special event:** As used in this chapter, means a permitted, preplanned, single gathering event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational or sporting nature, or other similar nature held by an individual or entity, whether for profit or non-profit. See Chapter 41.5 herein for guidelines on special events.



Sec. 25-282 Definitions – AMENDED

- ***Private property.*** Any residential dwelling, business or taxing district property where the ~~vending~~ mobile food unit would not be located in or on public property, streets, roadways, alleys, sidewalks, or rights-of-way within the city. ~~or within 100 feet of a restaurant as measured from property line to property line.~~
- ***Private event.*** A temporary and, by invitation only event, where the host controls access to ~~the~~ a private premises and any mobile food unit hired by the host which is in no way that is not open to the public or available for use by the public.
- ***Corresponding county health department.*** Certification or permit from the health department of the county/counties the mobile food unit operates within (Kane, Kendall, Will or DuPage).



Sec. 25-282 Definitions – STRICKEN

- ~~**Non-stationary mobile food unit:** Added This definition includes but is not limited to units for mobile ice cream sales for immediate consumption. Excludes carts (push carts or free standing) with the exception of participation in special events.~~
- ~~**Stationary mobile food units:** Added “outlined herein” to “temporary fixed location”; excludes carts (push carts or free standing) with the exception of participation in special events.~~



Sec. 25-283 License Required; Application – AMENDED

Moved the following existing requirements to this section:

- Payment of applicable taxes
- Inspections; added a video conference option
- Fire suppression inspection
- County Health Department Certificate
- Power source
- Some location restrictions



Sec. 25-284 MFU Operating Requirements - AMENDED

- Formerly titled: Mobile Food Unit Operating Procedures
- Majority of the section was moved to 25-283
- Location requirements. Unless otherwise authorized by rules adopted under this ordinance, mobile food units may operate only in permitted locations, or when part of a special event authorized by the city.



Sec. 25-284 MFU Operating Requirements - AMENDED

- Public property. Mobile food units may operate in designated and signed locations in accordance with the rules posted at said locations. No mobile food unit shall park, stand, or operate in a location which is adjacent to or within one hundred (100) feet of the **address point** of a restaurant. This requirement shall not apply to a restaurant affiliated with the mobile food vehicle vendor.
- Mobile food units may operate at private events only with permission from the private property owner and in accordance with all applicable laws and ordinances.



Sec. 25-284 MFU Operating Requirements - AMENDED

- Unless otherwise authorized, no mobile food unit shall operate on vacant, undeveloped property or parking lots.
- No mobile food unit shall operate on a regular or permanent basis at the same location.
- No mobile food unit shall operate in any area of the city that the license administrator, has determined is unsuitable for such operation.



Sec. 25-284 MFU Operating Requirements – NO CHANGE

- Vehicle operation and safety requirements. All mobile food units shall comply with all applicable provisions of the Illinois Vehicle Code.
- Vendors shall obey the lawful orders of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.
- No mobile food unit shall be left unattended on a public way, nor remain on a public way outside of the hours of operation authorized by this ordinance.



Options to Proceed

1. Proceed as planned
2. Proceed as planned with a more graduated and modified approach
3. Leave it status quo



Questions?