

ARTICLE XVI. - MOBILE FOOD UNIT VENDORS

SECTION: 44-402. DEFINITIONS.

- A. *License Administrator.* As used in this Ordinance, "License Administrator" means the Chief Financial Officer of the City or designee.
- B. *Mobile food unit.* A commercially manufactured, motorized, non-motorized or temporary food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.
- C. *Stationary mobile food unit.* A commercially manufactured, motorized, non-motorized or temporary food unit in which ready-to-eat- food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution from a temporary fixed location.
- D. *Non-stationary mobile food unit.* A commercially manufactured, motorized, non-motorized or temporary food unit in which ready-to-eat- food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution from a non-stationary unit.
- E. *Mobile food vendor.* The owner of mobile food unit or the owner's agent; hereinafter referred to as "vendor."
- F. *Private property.* Any residential dwelling, business or taxing district property where the vending would not be located in or on public property, streets, roadways, alleys, sidewalks, or rights of way within the city.
- G. *Corresponding County Health Department.* The Health Department in the County in which the unit is operating.

Sec. 44-403 - LICENSE REQUIRED; APPLICATION.

- A. *License Required.* It shall be unlawful for any person to operate within the City a mobile food unit, as defined in this Chapter, without first having obtained a license from the License Administrator for that purpose. Any person who violates this provision shall be subject to a fine of \$500 for the first offense, and a fine of \$1,000 for a second or subsequent offense.
- B. *Application Requirements.* Any person desiring to operate a mobile food unit shall make a written application for such license to the License Administrator or his/her designee. The application for such license shall be on forms provided by the License Administrator or his/her designee and shall include the following:
 - 1. Name, signature and address of each applicant and each corporate officer;
 - 2. License type requested.
 - 3. Description of unit type.
 - 4. Proof of insurance; compliance with Fire Department and corresponding County Health Department.
 - 5. Private property consent form (if applicable).
 - 6. An agreement to hold the City and its officers and employees, harmless and to 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.

7. An agreement to 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.
 8. Proof of insurance of the vendor's public liability, food products liability, and property damage insurance sufficient to 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 registration or in connection therewith. Unless the rules promulgated by the License Administrator require a higher amount, 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 Aurora Law Department. A registration 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 Aurora Finance Department; and
 9. Compliance with the visual inspection; and
 10. Any other information the License Administrator believes necessary to carry out the purpose and intent of the Ordinance.
 11. The required application fee.
- C. Processing of Application. Upon receipt of a license application, the License Administrator shall evaluate the application for its conformity with the requirements of Paragraph (B) of this Section within fourteen (14) days of receipt. If the License Administrator determines that the applicant has not complied with the requirements of Paragraph (B) he shall promptly notify the applicant in writing and return the application along the reasons why the application is deficient to the applicant. If the License Administrator determines that the applicant has complied with the requirements of Paragraph (B) he shall proceed with the processing and issuance of the license in accordance with the provisions of this Ordinance and any rules adopted pursuant to it.

Sec. 44-404 - MOBILE FOOD UNIT OPERATING PROCEDURES.

- A. Health and Safety Requirements. All licensed vendors shall adhere to the safety requirements set forth in this Ordinance as well as those set forth in any rules adopted pursuant to it.
1. Fire Suppression Requirements. All mobile food units shall be subject to inspection by the Aurora Fire Department. Units are required to have the following:
 - (a) If the unit contains a griddle, grill, deep fryer or open flame the following are required but not limited to:
 - (1) Class K Fire Extinguisher, Ansul R-102 or Class K Fire Suppression System, 10 lb. Class ABC Fire Extinguisher; and
 - (2) A functioning ventilation or hood exhaust system.
 - (b) If the unit uses a generator:
 - (1) The generator must be a minimum of ten (10) feet from any buildings, other vehicles and away from public access; and
 - (2) No fuel or gasoline may be stored on the truck.
 - (c) If the unit is a non-cooking unit, it must contain one (1) class ABC rated fire extinguisher.

2. Vehicle Operation and Safety Requirements. All mobile food units shall comply with all applicable provisions of the Illinois Vehicle Code.
 - (a) 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.
 - (b) 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.
 3. Health Requirements. All mobile food units shall be kept in a clean and sanitary condition as determined by the corresponding County Health Department.
 - (a) 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 either at an affiliated licensed restaurant or alternative location(s) as disclosed and agreed to with the corresponding County Health Department.
 - (b) No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains or trash receptacles. A garbage receptacle shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.
 4. Payment of Applicable Taxes:
 - (a) Mobile Food Vendor shall file and pay applicable food and beverage taxes as required in Section 44-113 of the City of Aurora Code of Ordinances.
 - (b) Mobile Food Vendor shall file and pay the taxes required by the State of Illinois, including sales tax.
- B. 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, or with the permission of a private property owner and in accordance with all applicable laws and Ordinances.
1. No mobile food unit shall be permitted to operate in a location where it would substantially obstruct a public way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety.
 2. 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.
 3. No mobile food unit shall operate within five hundred (500) feet of the address point of any fair, carnival, circus, festival, special event, or civic event that is licensed or sanctioned by the City except when vendor has obtained the necessary registration.
 4. No mobile food unit shall operate within one hundred (100) feet of the address point of public parks without first obtaining written authorization and required registration from the City.
 5. No mobile food unit shall operate on private property within the corporate limits of Aurora without first obtaining written consent to operate from the affected private property owner.
 6. No mobile food unit shall operate in any area of the City that the License Administrator, in consultation with the Traffic Engineer and Zoning Administrator, has determined is unsuitable for such operation. The License Administrator, no less frequently than annually, shall compile

a map of areas which he or she has determined are suitable for mobile food unit operation and cause such map to be available from the City's website.

- C. Hours of Operation. Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- D. Miscellaneous Requirements.
 - 1. No mobile food vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.
 - 2. No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.
 - 3. No mobile food vehicle shall offer drive-through or drive-by service.
 - 4. Mobile food vehicles must prominently display the name of the business and contact information.
 - 5. Any power required for the mobile food vehicle located on a public way shall be self-contained and shall not use utilities drawn from the public right-of-way unless participating in a city-sponsored event. Mobile food vehicles on private property may use electrical power from an adjacent property only when the property owner provides written consent. All other power sources must be self-contained. No power cable or equipment shall be extended at grade across any City street, alley or sidewalk.
 - 6. All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the requirements of the City Code Section regulating commercial signage, to the extent applicable. Exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety and shall be harmonious with the surroundings and consistent with the character of the community in which the mobile food vehicle operates.

Sec. 44-405 - LICENSE ISSUANCE, ADMINISTRATION AND RULES.

- A. The License Administrator shall issue an available license to any vendor who satisfies the requirements of this Ordinance and the rules adopted pursuant to it. The License Administrator shall issue to each vendor a suitable decal that shall be permanently and prominently affixed or prominently displayed to the unit.
- B. The License Administrator shall have the authority and the duty to at any time inspect the unit and determine the fitness and suitability of any licensed mobile food unit for its intended use.
- C. The License Administrator shall annually determine the number and types mobile food vendor licenses available and determine fees for the application and issuance of all such licenses. Fees imposed under this Ordinance shall be reasonable and relate to the cost to the City in maintaining and enforcing the regulations set forth or authorized by this Ordinance, including any and all inspections.
- D. The License Administrator shall make all rules and regulations not inconsistent with the provisions of this Ordinance with respect to the form of the licenses and conditions appertaining thereto provided that each mobile food unit license shall expire in accordance with the terms of said license and licenses shall not be transferrable from person to person or from place to place and valid for only one (1) unit only. The License Administrator shall file such rules and regulations with the City Clerk and provide copies of such rules to each Licensee. These rules shall become effective within fourteen (14) days of issuance.

- E. Any person licensed under this Ordinance shall notify the License Administrator of any changes to the information contained in a licenses application within thirty (30) days of such changes.

Sec. 44-406 - SANCTIONS, APPEALS.

- A. The License Administrator may deny, revoke, suspend, or decline to renew, a license issued under this Chapter for any of the following reasons:
 - 1. The application contains material omissions or false, fraudulent, or deceptive statements.
 - 2. The vehicle is operated in such a manner as constituting a public nuisance per the City of Aurora Code of Ordinances or State statute.
 - 3. The mobile food unit or vehicle has been operated in violation of any provision of this Code or rule adopted pursuant to it.
 - 4. The proposed operation is in violation of any Federal, State, or local laws including, but not limited to, the provisions of this City Code pertaining to food, fire prevention, public health or safety. The provisions of this Section are not exclusive. This Section shall not preclude the enforcement of any other provisions of this City Code or State and Federal laws and regulations.
- B. The License Administrator may impose fines against any licensee or any agent thereof violating who violates of the provisions of this Chapter in an amount not less than five hundred dollars (\$500.00) for each violation.
- C. The License Administrator shall provide written notice of any adverse action taken against an applicant for an available license or a licensee. Within five (5) days of the receipt of such notice, a person aggrieved by the adverse action of the License Administrator may appeal such a decision by filing a petition with the administrative hearing officer within five (5) days of the denial.
- D. No license required by this chapter shall be issued or renewed to any person who is indebted to the city or other governmental entity for payment of any fees, fines, charges, bills or taxes, which he or she is obligated to pay but have remained unpaid for more than forty-five (45) days.