

VILLAGE OF ANTIOCH

21-07-23

*AN ORDINANCE AMENDING TITLE 4 OF THE MUNICIPAL CODE OF ANTIOCH
REGARDING MOBILE FOOD VEHICLES*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF ANTIOCH, ILLINOIS
ON
SEPTEMBER 22, 2021

Published in pamphlet form by authority of the Village Board of the Village of
Antioch, Lake County, Illinois,
this 22nd day of September, 2021.

SCOTT J. GARTNER	President	MARY C. DOMINIAK	Trustee
		MARY J. PEDERSEN	Trustee
LORI K. ROMINE	Clerk	ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
DEL GALDO LAW GROUP, LLC	Attorney	PETRINA A. BURMAN	Trustee
		BRENT C. BLUTHARDT	Trustee

Ordinance No. 21-07-23

***AN ORDINANCE AMENDING TITLE 4 OF THE MUNICIPAL CODE OF ANTIOCH
REGARDING MOBILE FOOD VEHICLES***

WHEREAS, the Village of Antioch (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

WHEREAS, the Village President (the “President”) and the Village Board of Trustees (the “Village Board”, and together with the President, the “Corporate Authorities”) are committed to the efficient operation of government; and

WHEREAS, Title 4 the Municipal Code of Antioch (the “Village Code”) sets forth the Village’s business and licensing regulations; and

WHEREAS, the Village Code does not currently contain regulations regarding food trucks; and

WHEREAS, the Corporate Authorities have determined that the establishment of regulations and licenses regarding food trucks is necessary to protect the health, safety, and general welfare of the residents and visitors of the Village; and

WHEREAS, any individual or entity applying for a food truck license will be required to provide a copy of its Lake County Health Department permit; and

WHEREAS, food trucks are a new and evolving business and the Corporate Authorities will revisit the regulations set forth in this Ordinance on a later date; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village, and its residents, to amend Title 4 of the Village Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION 1: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 4 of the Village Code as set forth below (additions underlined):

CHAPTER 15 MOBILE FOOD VEHICLES

4-15-1: DEFINITIONS:

The following definitions are applicable to the administration of this chapter:

Mobile food vehicle. A commercially manufactured, motorized mobile food unit from which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned and sold for immediate consumption and open to the general public.

Mobile food vehicle vendor. The owner of a mobile food vehicle, hereinafter referred to as "Vendor." Mobile food vehicle vendors do not include street and sidewalk vendors or ice cream vendors.

4-15-2: LICENSE REQUIRED:

It shall be unlawful for any person to operate within the village a mobile food vehicle, as defined in this chapter, without first having obtained a license from the village for that purpose. The village shall issue a mobile food vehicle license upon receipt of a completed application and compliance with the following provisions.

4-15-3: LICENSE APPLICATION:

A. Application shall be made by the Vendor in writing to the village on a form as required and approved by the village. A license and application fee, as set forth in this chapter, shall be submitted with the application.

B. A license shall terminate on May 31 of each year and renewals shall commence on June 1 of each year. Each license shall only be valid for one (1) mobile food vehicle. Application for renewal, along with the annual license fee as set forth in this chapter, shall be filed with the village no later than thirty (30) days prior to the expiration of the license.

C. The Vendor shall be required to include in the application a true statement of certain facts including, but not limited to: whether the Vendor is a corporation, limited liability company, partnership or sole proprietorship; the state of incorporation or organization of the Vendor if the Vendor is a corporation or a limited liability company; whether the Vendor is organized and qualified to do business under the laws of the State of Illinois if the Vendor is a corporation or limited liability company; the names of the individuals who own the Vendor; the registered agent of the Vendor; the Vendor's principal place of business; the principal office of the Vendor; and a list of owners or holders of five percent (5%) or more of equity or stock.

D. 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 village. The following information for the mobile food vehicle to be registered shall be provided:

1. The year, make, model, color, license plate number and vehicle identification number of the vehicle.

2. Name, address, and telephone number of the owner of the vehicle.

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

E. The Vendor shall submit a signed statement that the Vendor shall defend and 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. Vendor shall furnish a certificate of insurance showing that it maintains such public liability, food products liability, and property damage insurance as will protect Vendor, property owners, and the village 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 and shall list the Village as an additional insured. The policy shall further provide that it may not be cancelled except upon a thirty (30) day written notice served upon the village attorney.

F. The Vendor, applicant(s), and any employee(s) or agent(s) that will be operating the mobile food vehicle shall also submit proof of automobile liability insurance. 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 village attorney.

G. The Vendor shall be required to submit a copy of the required Lake County Health Department Permit to the village with the application. The failure to obtain or revocation of the Lake County Health Department Permit shall constitute an automatic revocation or denial of the Antioch mobile food vehicle license.

H. Failure to fully comply with the application and disclosure requirements of this section shall constitute grounds for the village to deny issuance of a license. The Vendor shall notify the village within thirty (30) days of any changes to application information.

I. Issuance or Denial of License. The village clerk shall, within five (5) business days after submittal of a properly completed application (including the payment of all applicable fees), issue or deny the issuance of a license.

4-15-4: FEES:

The annual license fee for a license granted under this chapter shall be \$50.00. Any restaurant, coffeehouse, or retail beverage dealer currently operating within the Village and who has a valid license under Section 4-6-2 shall be exempt from paying any license fees for a permit granted under this chapter.

4-15-5: UNPERMITTED LOCATIONS FOR OPERATIONS:

A. No mobile food vehicle shall operate in a location that:

1. Would substantially obstruct a public right of way;
2. Would impair the movement of pedestrians or vehicles;
3. Would pose a hazard to public safety;

4. Is within one hundred (100) feet of (i) any stand-alone restaurant, coffeehouse, or retail beverage dealer, with the exception of village sponsored events; (ii) the property lot

line of any elementary, middle, and secondary schools (public or private), without written permission from the school; (iii) the property line of a public park without written permission from the Village of Antioch; or (iv) the property line of a public library, without written permission from the library.

B. It is strictly prohibited for any mobile food vehicle to be permanently located at any single location.

4-15-6: VIOLATIONS:

Any person or entity who shall be guilty of a violation of any of the provisions of this chapter, shall be subject to a fine in the amount of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, five hundred dollars (\$500.00) for the third offense, and seven hundred fifty dollars (\$750.00) for the fourth or greater offense. A separate offense shall be deemed committed for every day a violation continues.

4-15-7: REVOCATION OR SUSPENSION OF LICENSE:

A. A license issued under the provisions of this chapter may be revoked or suspended by the village for a violation of any provision of this chapter. If the village determines after investigation that cause exists for the suspension or revocation of a license, the village shall notify the Vendor in writing that its license will be revoked or suspended, setting forth the reasons therefor, and advising the Vendor of its right to a hearing pursuant to section 4-1-11 of this code.

B. An application may be denied or an approved license may be revoked, suspended, or not renewed for any of the following reasons:

1. The application contains material omissions or false, fraudulent, or deceptive statements.

2. The mobile food vehicle is operated in such a manner that constitutes a public nuisance per this code or state statutes.

3. The operation of the mobile food vehicle is in violation of any federal, state, or local laws.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this code or state and federal laws and regulations.

C. No revocation or suspension shall require return by the Village of any license fee.

D. Any revocation of a license shall preclude the licensee (or any subsequent company that has twenty percent (20%) or more common identity/ownership interest with the licensee) from receiving another permit under this chapter for two (2) years from the date of revocation.

E. Revocation or suspension of a license shall not preclude the imposition of a fine by a court of competent jurisdiction for violation of any part of this chapter.

4-15-8: APPEALS:

Any license holder who receives a notice of revocation or suspension or whose application has been denied, may request a hearing in accordance with the procedures set forth by section 4-1-11 of this code.

SECTION 2: The Corporate Authorities hereby approve the amendments of Title 4 of the Village Code.

SECTION 3: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 4: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

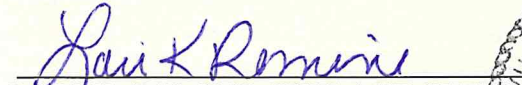
SECTION 5: This Ordinance shall be in full force and effect ten (10) days after passage and publication as provided by law.

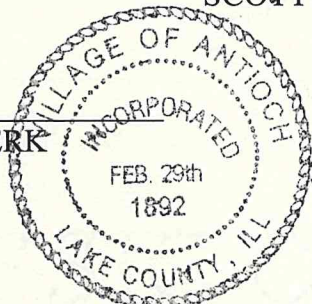
PASSED by the President and Board of Trustees of the Village this 22nd day of September, 2021.

APPROVED:


SCOTT J. GARTNER, MAYOR

ATTEST:


LORI K. ROMINE, VILLAGE CLERK



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on September 22, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-07-23, entitled **“AN ORDINANCE AMENDING TITLE 4 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING MOBILE FOOD VEHICLES”** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 21-07-23**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on September 29, 2021 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 29th day of September, 2021

Lori K. Romine

Lori K. Romine, RMC/CMC
Village Clerk

