

# Request For Board Action

REFERRED TO BOARD: July 28, 2021

AGENDA ITEM NO: 6

ORIGINATING DEPARTMENT: Administration

SUBJECT: Approval of an Ordinance Amending Title 4 of the Municipal Code of Antioch regarding Mobile Food Vehicles

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

As discussed at the July 14, 2021 Committee of the Whole Meeting, the proposed ordinance provides regulations related to the operation of food trucks. The ordinance addresses comments made at the Committee of the Whole meeting, and provides for an annual \$50 permit fee. It also addresses license requirements, vendor disqualifications, and permitted locations for operation.

The Village Board will need to determine which of the 3 presented ordinances they would like to approve in regards to distance requirements from brick and mortar restaurants. The presented options are 100 ft, 200 ft, and a blank option for the board to consider.

DOCUMENTS ATTACHED:

1. Ordinances

RECOMMENDED MOTION:

**Move** to approve an Ordinance Amending Title 4 of the Municipal Code of Antioch regarding Mobile Food Vehicles

VILLAGE OF ANTIOCH

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21-\_\_-\_\_

**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  
\_\_\_\_\_, 2021**

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**Published in pamphlet form by authority of the Village Board of the Village of  
Antioch, Lake County, Illinois,  
this \_\_<sup>th</sup> day of \_\_\_\_\_, 2021.**

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

**Ordinance No. 21-\_\_-\_\_**

***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 regarding food trucks is necessary to protect the health, safety, and general welfare of the residents and visitors of the Village; 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: PERMIT 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 permit from the village for that purpose. The village shall issue mobile food vehicle permits upon receipt of a completed application and compliance with the following provisions.

4-15-3: PERMIT 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 permit and application fee, as set forth in this chapter, shall be submitted with the application.

B. A permit shall terminate on May 31 of each year and renewals shall commence on June 1 of each year. Each permit shall only be valid for one (1) mobile food vehicle. Application for renewal, along with the annual permit 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 permit.

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 permit, 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.

4. 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 on under the terms of the permit. 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 permit 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.

5. 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 permit 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.

6. 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 permit.

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

8. Issuance or Denial of License. The village clerk shall, within thirty (30) days after submittal of a properly completed application, or within such other period of time as the village and the applicant shall otherwise agree, either issue or deny issuance of a permit pursuant to this chapter.

#### 4-15-4: FEES:

The annual permit fee for a permit 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 permit fees for a permit granted under this chapter.

#### 4-15-5: VENDOR DISQUALIFICATIONS.

The chief of police shall conduct a criminal background check of all applicants at the time of their initial application, and at any time a change in ownership results in a new owner being added to the reported list of owners or holders of five percent (5%) equity or stock. By applying for a license, the applicant agrees to provide proof of submission under the Illinois Uniform Conviction Information Act (20 ILCS 2635/1 et seq.) through a fingerprint conviction information request with an approved LiveScan vendor authorized by the Illinois state police within the preceding thirty (30) days and to this background check. Applicants may be required to sign such consent forms as the chief of police may reasonably require. The chief of police shall report to the village board whether the application is demonstrably false in any material respect or if the applicant is ineligible to hold a license. If this investigation of the application materials reveals information showing any of the following, the application shall not be approved, and no permit shall be issued to the Vendor for any of the following reasons, to the extent permitted by law:

A. Any convictions of a felony within the past ten (10) years.

B. Any convictions of misdemeanor, which misdemeanor involves any of the following offenses:

1. Unlawful possession of any controlled substance, compound, within the past five (5) years, excluding the possession of cannabis in amounts not currently deemed a violation of the Cannabis Control Act (720 ILCS 550/1).

2. Any offense involving moral turpitude, including, but not limited to any offense involving the misapplication, misappropriation, or misuse of funds of another person within the past five (5) years.

C. Any requirements to register as a sex offender as required by the Sex Offender Registration Act (730 ILCS 150 et seq.), or has been convicted of criminal sexual assault and/or criminal sexual abuse, as such offenses are defined in the Illinois Criminal Code (720 ILCS 5/1-1 et seq.), or any like offense of another state or country.

D. Any misrepresented or omitted material fact in the application for a permit.

#### 4-15-6: PERMIT TRANSFERABILITY:

The permit shall not be transferrable from person to person without the approval of the village administrator or his/her designee.

#### 4-15-7: PERMITTED LOCATIONS FOR OPERATIONS:

A. Mobile food vehicles with a permit are authorized to operate in the village only at the following locations:

1. Private property with the approval of the property owner.

2. Village owned property during designated special events as approved by the village board.

3. Public Right of Ways, excluding Route 173, Route 83 (south of Rt 173 and North of North Avenue, Route 59), with written request provided to the village clerk no less than five (5) business days prior to the proposed date of operation and the approval of the village administrator, which shall not be unreasonably withheld.

B. In addition to the above restrictions, 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 adjacent to a bus stop, taxi stand, or handicap loading zone;

5. Is within thirty (30) feet of an intersection;

6. Is within three (3) feet of a curb cut;

7. Is directly in front of a property entryway;

8. Is within one hundred (100) feet of any brick and mortar restaurant, coffeehouse, or retail beverage dealer;

9. Is within five hundred (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 five hundred (500) feet of the property lot line of any elementary, middle, and secondary schools (public or private).

C. Pedestrian walkways of no less than six (6) feet must be maintained around the mobile food vehicle location.

D. No more than three (3) 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 vehicle shall not block required drive aisles and must be parked on a dust-free surface lot at all times.

E. On a case-by-case basis, upon request for the rental of a village park or pavilion for a private event, the village board may approve the use of mobile food vehicles at said private event.

#### 4-15-8: SANITARY MAINTENANCE:

Mobile Food Vehicles shall be subject to the following requirements:

A. All mobile food vehicles shall be kept in a clean and sanitary condition. The village administrator or his/her designee, bearing proper identification, shall be permitted to enter any mobile food vehicle at any reasonable time for the purpose of inspecting to determine whether the Vendor has complied with the terms of this chapter. Additionally, the Vendor shall, on request, provide the village administrator or his/her designee with the records of the mobile food vehicle to obtain information pertaining to sales and sales taxes. Denial of access to the mobile food vehicle or to said records shall be deemed a violation of this chapter and grounds for suspension and/or revocation of the permit.

B. All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health and Lake County Health Department standards and requirements.

C. 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 disposed of properly. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place. A garbage receptacle shall be easily accessible for customer use. Each mobile food vehicle shall be equipped with sufficient garbage receptacles, and each Vendor

shall be responsible for collecting all litter, garbage and refuse left by customers and related to its products located within a fifty-foot (50') radius of the mobile food vehicle.

D. The Vendor shall have a current written agreement, with a state licensed facility or waste management company, for the proper disposal of grease and graywater.

#### 4-15-9: MOBILE FOOD VEHICLE PERMIT:

Mobile food vehicles shall be subject to the following requirements:

A. A village permit for each mobile food vehicle to be operated in the village must be kept inside the mobile food vehicle and the Vendor shall provide the same on demand when requested to be viewed by a village police officer or other village official.

B. All sales from the mobile food vehicle shall occur on the side of the vehicle nearest the street curb.

C. No mobile food vehicle shall impede visibility or the flow of vehicular, pedestrian or bicycle traffic in any location.

D. It shall be unlawful for any person operating a mobile food vehicle while on duty to drink any alcoholic beverage, to shout or call to prospective customers, or to disturb the peace in any manner.

E. No mobile food vehicle shall operate unless it bears a State license duly issued, and no such vehicle shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition.

F. Each mobile food vehicle shall have on each side, in letters readable from a distance of fifty (50) feet, the name of the Vendor operating it.

G. Each mobile food vehicle shall have available for inspection a copy of the required Lake County Health Department Permit.

H. The hours of operation shall be limited to the hours between 7:00 a.m. to 10:00 p.m., unless a permit for extended hours is granted by the village board for a particular date or dates. No approved mobile food vehicle shall be left unattended on a public way, nor remain on a public way, outside of these allowed hours of operation.

I. No Vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

J. No mobile food vehicle shall use external signage, attention getting devices, bollards, seating, or any other equipment not contained within the vehicle.

K. The mobile food vehicle shall not have a drive-through.

L. The Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the mobile food vehicle entirely from the public way if necessary to avoid such congestion or obstruction.

M. 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.

N. All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the purposes set forth in the Antioch Zoning Ordinance regulating commercial signage, to the extent applicable. In particular, 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.

O. Alcoholic beverages may not be sold from a mobile food vehicle unless the vendor has received a license for the mobile food vehicle pursuant to title 4, chapter 2 of this code.

P. The Vendor of a mobile food vehicle operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request by a village police officer or other village official, which confirms that employees have access to a flushable restroom within three hundred (300) feet of the vending location during the operating hours.

Q. The Vendor may notify potential customers of the location of the mobile food vehicle by social media or other means of advertisement.

R. The Vendor must comply with all other applicable conditions and requirements imposed upon mobile food vendors under the law, must comply with village ordinances and state law, and shall make all required sales tax returns and other reports as required by State law.

#### 4-15-10: 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 of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for every day a violation continues.

#### 4-15-11: REVOCATION OR SUSPENSION OF PERMIT:

A. A permit 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 permit, the village shall notify the Vendor in writing that its permit 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 permit 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 proposed operation 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 permit fee.

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

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

#### 4-15-12: APPEALS:

Any permit 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 \_\_\_ day of \_\_\_\_\_, 2021.

Voting Aye (list names):

Voting Nay (list names):

Abstaining (list names):

Absent (list names):

\_\_\_\_\_  
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 \_\_\_\_\_, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-\_\_-\_\_, 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-\_\_-\_\_**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on \_\_\_\_\_, 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 \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Lori K. Romine, RMC/CMC  
Village Clerk

VILLAGE OF ANTIOCH

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21-\_\_-\_\_

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

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
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**Ordinance No. 21-\_\_-\_\_**

***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 regarding food trucks is necessary to protect the health, safety, and general welfare of the residents and visitors of the Village; 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:

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*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: PERMIT REQUIRED:**

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B. A permit shall terminate on May 31 of each year and renewals shall commence on June 1 of each year. Each permit shall only be valid for one (1) mobile food vehicle. Application for renewal, along with the annual permit 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 permit.

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 permit, 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:

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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.

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6. 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 permit.

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

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2. Village owned property during designated special events as approved by the village board.

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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 adjacent to a bus stop, taxi stand, or handicap loading zone;

5. Is within thirty (30) feet of an intersection;

6. Is within three (3) feet of a curb cut;

7. Is directly in front of a property entryway;

8. Is within two hundred (200) feet of any brick and mortar restaurant, coffeehouse, or retail beverage dealer;

9. Is within five hundred (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 five hundred (500) feet of the property lot line of any elementary, middle, and secondary schools (public or private).

C. Pedestrian walkways of no less than six (6) feet must be maintained around the mobile food vehicle location.

D. No more than three (3) 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 vehicle shall not block required drive aisles and must be parked on a dust-free surface lot at all times.

E. On a case-by-case basis, upon request for the rental of a village park or pavilion for a private event, the village board may approve the use of mobile food vehicles at said private event.

#### 4-15-8: SANITARY MAINTENANCE:

Mobile Food Vehicles shall be subject to the following requirements:

A. All mobile food vehicles shall be kept in a clean and sanitary condition. The village administrator or his/her designee, bearing proper identification, shall be permitted to enter any mobile food vehicle at any reasonable time for the purpose of inspecting to determine whether the Vendor has complied with the terms of this chapter. Additionally, the Vendor shall, on request, provide the village administrator or his/her designee with the records of the mobile food vehicle to obtain information pertaining to sales and sales taxes. Denial of access to the mobile food vehicle or to said records shall be deemed a violation of this chapter and grounds for suspension and/or revocation of the permit.

B. All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health and Lake County Health Department standards and requirements.

C. 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 disposed of properly. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place. A garbage receptacle shall be easily accessible for customer use. Each mobile food vehicle shall be equipped with sufficient garbage receptacles, and each Vendor

shall be responsible for collecting all litter, garbage and refuse left by customers and related to its products located within a fifty-foot (50') radius of the mobile food vehicle.

D. The Vendor shall have a current written agreement, with a state licensed facility or waste management company, for the proper disposal of grease and graywater.

#### 4-15-9: MOBILE FOOD VEHICLE PERMIT:

Mobile food vehicles shall be subject to the following requirements:

A. A village permit for each mobile food vehicle to be operated in the village must be kept inside the mobile food vehicle and the Vendor shall provide the same on demand when requested to be viewed by a village police officer or other village official.

B. All sales from the mobile food vehicle shall occur on the side of the vehicle nearest the street curb.

C. No mobile food vehicle shall impede visibility or the flow of vehicular, pedestrian or bicycle traffic in any location.

D. It shall be unlawful for any person operating a mobile food vehicle while on duty to drink any alcoholic beverage, to shout or call to prospective customers, or to disturb the peace in any manner.

E. No mobile food vehicle shall operate unless it bears a State license duly issued, and no such vehicle shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition.

F. Each mobile food vehicle shall have on each side, in letters readable from a distance of fifty (50) feet, the name of the Vendor operating it.

G. Each mobile food vehicle shall have available for inspection a copy of the required Lake County Health Department Permit.

H. The hours of operation shall be limited to the hours between 7:00 a.m. to 10:00 p.m., unless a permit for extended hours is granted by the village board for a particular date or dates. No approved mobile food vehicle shall be left unattended on a public way, nor remain on a public way, outside of these allowed hours of operation.

I. No Vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

J. No mobile food vehicle shall use external signage, attention getting devices, bollards, seating, or any other equipment not contained within the vehicle.

K. The mobile food vehicle shall not have a drive-through.

L. The Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the mobile food vehicle entirely from the public way if necessary to avoid such congestion or obstruction.

M. 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.

N. All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the purposes set forth in the Antioch Zoning Ordinance regulating commercial signage, to the extent applicable. In particular, 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.

O. Alcoholic beverages may not be sold from a mobile food vehicle unless the vendor has received a license for the mobile food vehicle pursuant to title 4, chapter 2 of this code.

P. The Vendor of a mobile food vehicle operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request by a village police officer or other village official, which confirms that employees have access to a flushable restroom within three hundred (300) feet of the vending location during the operating hours.

Q. The Vendor may notify potential customers of the location of the mobile food vehicle by social media or other means of advertisement.

R. The Vendor must comply with all other applicable conditions and requirements imposed upon mobile food vendors under the law, must comply with village ordinances and state law, and shall make all required sales tax returns and other reports as required by State law.

#### 4-15-10: 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 of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for every day a violation continues.

#### 4-15-11: REVOCATION OR SUSPENSION OF PERMIT:

A. A permit 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 permit, the village shall notify the Vendor in writing that its permit 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 permit 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 proposed operation 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 permit fee.

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

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

#### 4-15-12: APPEALS:

Any permit 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 \_\_\_ day of \_\_\_\_\_, 2021.

Voting Aye (list names):

Voting Nay (list names):

Abstaining (list names):

Absent (list names):

\_\_\_\_\_  
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 \_\_\_\_\_, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-\_\_-\_\_, 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-\_\_-\_\_**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on \_\_\_\_\_, 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 \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Lori K. Romine, RMC/CMC  
Village Clerk

VILLAGE OF ANTIOCH

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21-\_\_-\_\_

**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  
\_\_\_\_\_, 2021**

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**Published in pamphlet form by authority of the Village Board of the Village of  
Antioch, Lake County, Illinois,  
this \_\_<sup>th</sup> day of \_\_\_\_\_, 2021.**

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

**Ordinance No. 21-\_\_-\_\_**

***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 regarding food trucks is necessary to protect the health, safety, and general welfare of the residents and visitors of the Village; 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: PERMIT 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 permit from the village for that purpose. The village shall issue mobile food vehicle permits upon receipt of a completed application and compliance with the following provisions.

4-15-3: PERMIT 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 permit and application fee, as set forth in this chapter, shall be submitted with the application.

B. A permit shall terminate on May 31 of each year and renewals shall commence on June 1 of each year. Each permit shall only be valid for one (1) mobile food vehicle. Application for renewal, along with the annual permit 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 permit.

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 permit, 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.

4. 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 on under the terms of the permit. 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 permit 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.

5. 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 permit 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.

6. 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 permit.

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

8. Issuance or Denial of License. The village clerk shall, within thirty (30) days after submittal of a properly completed application, or within such other period of time as the village and the applicant shall otherwise agree, either issue or deny issuance of a permit pursuant to this chapter.

#### 4-15-4: FEES:

The annual permit fee for a permit 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 permit fees for a permit granted under this chapter.

#### 4-15-5: VENDOR DISQUALIFICATIONS.

The chief of police shall conduct a criminal background check of all applicants at the time of their initial application, and at any time a change in ownership results in a new owner being added to the reported list of owners or holders of five percent (5%) equity or stock. By applying for a license, the applicant agrees to provide proof of submission under the Illinois Uniform Conviction Information Act (20 ILCS 2635/1 et seq.) through a fingerprint conviction information request with an approved LiveScan vendor authorized by the Illinois state police within the preceding thirty (30) days and to this background check. Applicants may be required to sign such consent forms as the chief of police may reasonably require. The chief of police shall report to the village board whether the application is demonstrably false in any material respect or if the applicant is ineligible to hold a license. If this investigation of the application materials reveals information showing any of the following, the application shall not be approved, and no permit shall be issued to the Vendor for any of the following reasons, to the extent permitted by law:

A. Any convictions of a felony within the past ten (10) years.

B. Any convictions of misdemeanor, which misdemeanor involves any of the following offenses:

1. Unlawful possession of any controlled substance, compound, within the past five (5) years, excluding the possession of cannabis in amounts not currently deemed a violation of the Cannabis Control Act (720 ILCS 550/1).

2. Any offense involving moral turpitude, including, but not limited to any offense involving the misapplication, misappropriation, or misuse of funds of another person within the past five (5) years.

C. Any requirements to register as a sex offender as required by the Sex Offender Registration Act (730 ILCS 150 et seq.), or has been convicted of criminal sexual assault and/or criminal sexual abuse, as such offenses are defined in the Illinois Criminal Code (720 ILCS 5/1-1 et seq.), or any like offense of another state or country.

D. Any misrepresented or omitted material fact in the application for a permit.

#### 4-15-6: PERMIT TRANSFERABILITY:

The permit shall not be transferrable from person to person without the approval of the village administrator or his/her designee.

#### 4-15-7: PERMITTED LOCATIONS FOR OPERATIONS:

A. Mobile food vehicles with a permit are authorized to operate in the village only at the following locations:

1. Private property with the approval of the property owner.

2. Village owned property during designated special events as approved by the village board.

3. Public Right of Ways, excluding Route 173, Route 83 (south of Rt 173 and North of North Avenue, Route 59), with written request provided to the village clerk no less than five (5) business days prior to the proposed date of operation and the approval of the village administrator, which shall not be unreasonably withheld.

B. In addition to the above restrictions, 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 adjacent to a bus stop, taxi stand, or handicap loading zone;

5. Is within thirty (30) feet of an intersection;

6. Is within three (3) feet of a curb cut;

7. Is directly in front of a property entryway;

8. Is within \_\_\_\_\_ ( ) feet of any brick and mortar restaurant, coffeehouse, or retail beverage dealer;

9. Is within five hundred (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 five hundred (500) feet of the property lot line of any elementary, middle, and secondary schools (public or private).

C. Pedestrian walkways of no less than six (6) feet must be maintained around the mobile food vehicle location.

D. No more than three (3) 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 vehicle shall not block required drive aisles and must be parked on a dust-free surface lot at all times.

E. On a case-by-case basis, upon request for the rental of a village park or pavilion for a private event, the village board may approve the use of mobile food vehicles at said private event.

#### 4-15-8: SANITARY MAINTENANCE:

Mobile Food Vehicles shall be subject to the following requirements:

A. All mobile food vehicles shall be kept in a clean and sanitary condition. The village administrator or his/her designee, bearing proper identification, shall be permitted to enter any mobile food vehicle at any reasonable time for the purpose of inspecting to determine whether the Vendor has complied with the terms of this chapter. Additionally, the Vendor shall, on request, provide the village administrator or his/her designee with the records of the mobile food vehicle to obtain information pertaining to sales and sales taxes. Denial of access to the mobile food vehicle or to said records shall be deemed a violation of this chapter and grounds for suspension and/or revocation of the permit.

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C. 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 disposed of properly. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place. A garbage receptacle shall be easily accessible for customer use. Each mobile food vehicle shall be equipped with sufficient garbage receptacles, and each Vendor

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G. Each mobile food vehicle shall have available for inspection a copy of the required Lake County Health Department Permit.

H. The hours of operation shall be limited to the hours between 7:00 a.m. to 10:00 p.m., unless a permit for extended hours is granted by the village board for a particular date or dates. No approved mobile food vehicle shall be left unattended on a public way, nor remain on a public way, outside of these allowed hours of operation.

I. No Vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

J. No mobile food vehicle shall use external signage, attention getting devices, bollards, seating, or any other equipment not contained within the vehicle.

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#### 4-15-11: REVOCATION OR SUSPENSION OF PERMIT:

A. A permit 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 permit, the village shall notify the Vendor in writing that its permit 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 permit 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 proposed operation 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 permit fee.

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

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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 \_\_\_ day of \_\_\_\_\_, 2021.

Voting Aye (list names):

Voting Nay (list names):

Abstaining (list names):

Absent (list names):

\_\_\_\_\_  
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 \_\_\_\_\_, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-\_\_-\_\_, 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-\_\_-\_\_**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on \_\_\_\_\_, 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 \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Lori K. Romine, RMC/CMC  
Village Clerk