

CITY OF GENESEO

ORDINANCE NO. 2016 - 0-16-169

AN ORDINANCE REGULATING FOOD TRUCKS IN THE CITY OF GENESEO

**ADOPTED BY THE
CITY COUNCIL OF THE CITY OF GENESEO, ILLINOIS
THIS 12th DAY OF JULY, 2016**

Published in pamphlet form by authority of the City Council of the City of Geneseo,
Henry County, Illinois, the 12th day of July, 2016.

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AN ORDINANCE REGULATING FOOD TRUCKS IN THE CITY OF GENESEO

WHEREAS, various provisions of the Illinois Municipal Code, including 65 ILCS 5/11-42-5 and 65 ILCS 5/11-42-10.1, authorize municipalities to license and regulate mobile food vendors operating within the municipal boundaries; and

WHEREAS, the Corporate Authorities of the City have determined that it is in the best interest of the welfare and safety of its citizens that the conduct of mobile food vendors within the City be licensed and regulated in accordance with the law.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GENESEO, ILLINOIS, as follows:

SECTION 1: DEFINITIONS

- A. "Retail Street Sales" or "Street Sales" means the sale of food products and non-alcoholic beverages to the public intended for immediate consumption, from a licensed and registered motor vehicle, push cart or pull-behind trailer, including but not limited to ice cream trucks (hereinafter sales vehicle) that is on a public highway or private land. Sales of other goods or merchandise are prohibited under this article.
- B. "Merchant" means the owner of a sales vehicle, operator and/or person physically making sales from a sales vehicle

SECTION 2: LICENSE REQUIRED

- A. No person shall engage in Retail Street Sales without having first obtained a license from the City for each sales vehicle. The license shall apply to the specific location or locations or sites provided for in the license.
- B. The annual fee for the license shall be established by resolution for each sales vehicle and shall be valid from March 1 through the last day of the immediately following February. A seven-day license may be applied for instead of an annual license and the fee for such license shall be established by resolution. In the event a seven-day license is granted and application for an annual license is made within 30 days of the expiration of the seven-day license, then the fee for the annual license shall be reduced by the fee paid for the seven-day license.

- E. The forms shall, among other things, require the license to identify all individuals who will operate and/or provide service from each sales vehicle.
- F. Each such person shall submit to a background check.
- G. No person shall operate a sales vehicle or provide any service in or from a sales vehicle who has not been approved by the City after the background check.
- H. It is also a violation of this section for any owner of any sales vehicle to allow any person who has not been approved by the City to operate or work from the sales vehicle.
- I. In order to obtain a license, the applicant must provide adequate evidence that the applicant has all applicable health and sanitation licenses.

SECTION 3: EFFECT ON OTHER LAWS

The requirements of this Article shall not affect any other laws or ordinances of the City or another jurisdiction and each Merchant shall, as a condition of the license issued under this Article, obtain and maintain all other required licenses and permits under State or County law, ordinance, regulation or guidelines.

SECTION 4: OPERATION

- A. All sales vehicles shall be operated in such a manner so as not to interfere with the flow of traffic. Prior to engaging in sales, the sales vehicle shall be pulled as far to the right as possible, and all sales shall only be made from the right side of such vehicle.
- B. The Retail Street Sales License does not authorize the sale of goods from any other private or public property and the merchant shall obtain any other licenses or permissions necessary to engage in such sales.
- C. All Signage shall be in accordance with Chapter 8 of the Geneseo Zoning Ordinance unless specified within this ordinance. Sandwich board freestanding signage shall be allowed not to exceed ten (10) square feet per side and be must be located within twenty (20) feet of the sales vehicle and no signage is allowed within the right of way. On vehicle signage will have no size limitations. Neither the sales vehicle nor its signage may block any traffic visibility in driveways or roadways. All signage must be put away at the end of each work day.

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C. Upon reasonable request by the City of Geneseo, any licensee shall provide proof that it has submitted all required sales tax information for sales in Geneseo.

D. No street sales will be conducted within 300 feet of an established restaurant or active concession stand except with the consent in writing of the restaurant or concession stand proprietor. Ice cream trucks shall be exempt from this provision.

E. Upon reasonable request by the City of Geneseo, any licensee shall provide proof of automobile liability insurance where applicable to the licensee's operations.

SECTION 5: PENALTIES

Any person violating the provisions of this Article shall be subject to a fine of \$200. Each day that a violation continues shall be a distinct and separate offense.

SECTION 6: EXEMPTION.

Sales vehicles that are participating in a community event are exempt from this ordinance so long as they are part of and approved by the community event sponsor. This exemption applies only to community events which are no longer than a four-day event.

SECTION 7: MISCELLANEOUS.

A. This ordinance shall be in full force and effect from and after its passage and due publication in pamphlet form as provided by law.

B. All ordinances or parts thereof in conflict herewith are hereby expressly repealed to the extent of said inconsistency.

PASSED by the City Council of the City of Geneseo this 12th day of July, 2016.

Kathy Carroll-Duda
Mayor

ATTEST:

Rene K. Phlypo
City Clerk

AYES: Roodhouse,Rothschild,Robinson,Wachtel,Garlick,Johnson,Anderson

NAYS: None

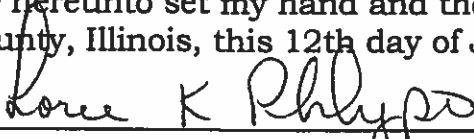
ABSENT: Simosky

CERTIFICATE BY CITY CLERK

STATE OF ILLINOIS)
COUNTY OF HENRY) SS
CITY OF GENESEO)

I, Loree Phlypo, do hereby certify that I am the City Clerk of the City of Geneseo, Henry County, Illinois, and that the foregoing instrument is a true, correct and exact copy of the Ordinance No. 0-16-169, An Ordinance Regulating Food Trucks in the City of Geneseo, passed by the City Council of the City of Geneseo, Henry County, Illinois, and approved by the Mayor of said City on the 12th day of July, 2016, and now on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and the corporate seal of the City of Geneseo, Henry County, Illinois, this 12th day of July, 2016.



Loree Phlypo, City Clerk
City of Geneseo
Henry County, Illinois